

# CHILD MARRIAGE: THE INDIAN MINOTAUR

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# CHILD MARRIAGE: THE INDIAN MINOTAUR

AN OBJECT-LESSON FROM  
THE PAST TO THE FUTURE

*by*

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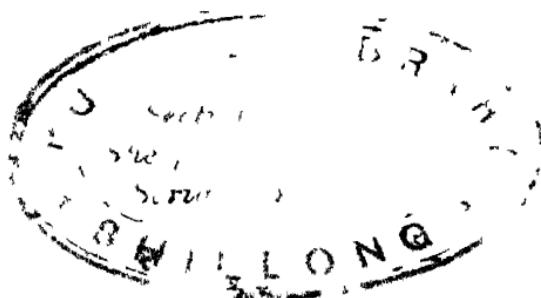
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TO  
ALL INDIAN WOMEN  
WHO HAVE SUFFERED FROM  
OR ARE STRUGGLING TO REMEDY  
THE EVILS DISCUSSED  
IN THIS BOOK





## P R E F A C E

I KNOW well the criticisms to which anyone who has only paid one brief visit to India exposes herself in writing on an Indian theme. My answer is that if my authority is negligible, my authorities are impregnable, and it is on these I have built my thesis. But this has entailed a method which itself risks the charge of having produced a patchwork of quotations rather than a book.

The plan of the book is this: The first two chapters summarize the main facts concerning child marriage—its effects, the efforts made to end it, and their results—each chapter being followed by selections from my authorities. The last two chapters set forth what I believe to be the most hopeful means of remedy, and for the specific proposals in the last I am solely responsible, though there again I have been able to appeal to general principles laid down by those whose right to speak cannot be challenged. Here and there I have used material which has already appeared in memoranda which I have previously written for private circulation or in newspaper articles.

I must acknowledge the debt I owe not only to these authorities but to my friend, Elizabeth Macadam, who has read the script throughout and insisted on modifying some of its acridities. Some may think that too many of these still remain. But I defy anyone with a particle of imagination to read in full the documents from which I have so freely quoted without rising from the perusal

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with a mind steeped in gall. If I have tried to discharge some of this gall in the faces of the public, it is only after three years' fruitless trial of more ladylike ways of endeavouring to arouse a greater general sense of concern and responsibility for the "great and corroding evil"—again I quote my authorities—which is eating out the vitals of the Indian peoples.

As a symbol of the evil, I have chosen the mythical Minotaur, to whom the Athenians were compelled to pay yearly tribute of seven youths and seven maidens till Theseus slew the monster, and my last chapter is in effect a challenge to the women of India to play the part of Theseus.

ELEANOR F. RATHBONE

LONDON, *January 1934*

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CHILD MARRIAGE:  
THE INDIAN MINOTAUR  
AN OBJECT-LESSON FROM  
THE PAST TO THE FUTURE

INTRODUCTION

THIS study has a double purpose—to promote more effective action against the gigantic evil of child marriage and to use its history as a warning of the frightful risks to which we are exposing Indian women if we give them in the new constitution of India no better means of self-protection than they have had in the past, during the years of our dominion.

It is not the only instance. In the Appendix I give a summary (chiefly in the shape of extracts from official publications) of some of the other conditions under which Indian women suffer—ill-health and an utter insufficiency of medical, nursing, and midwifery services; illiteracy and a preposterously small share of educational opportunities; unfair marriage laws, which permit polygamy and the casting aside of a barren wife to the man, while binding a girl child indissolubly to a husband whom she has not chosen and from whom she has no legal means of escape, however ill he treats her; the sufferings and austerities of the Hindu widow's lot; the imprisonment for life behind the bolts and bars of social custom which goes by the name of purdah. .

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These are the conditions which prevail—nothing like universally of course, but among vast masses of the 170 million “daughters of the Empire” whom we are now going to hand over to new and largely untried rulers. Are we proud of these conditions? No doubt the chief responsibility for cruel customs must rest on those who practise them. But are there not two kinds of responsibility—primary responsibility for the evils we directly cause; accessory responsibility for evils we struggle too weakly against, when such struggle is within the sphere of our competence and our duty? No one will deny that a Government and, under a democratic constitution, the electorate which has put it in its place have some share of responsibility for the death-rate, the morbidity, the hygienic conditions, the educational opportunities, the civil rights, the marriage and inheritance laws of the people under its rule, and that this responsibility is greatest with regard to those sections of its subjects who are most inarticulate and least equipped with the constitutional means of self-protection.

Are we satisfied that in these respects British administrators, either during the generations when they were in semi-autocratic control, or in recent years when they have shared that control with Indians, have done the best, the most that could be expected of men who boast that they have been “father and mother” to the “dumb millions” of India’s peasants and have led their feet into better paths than they have ever trod before? What, for example, has their paternal protection done for the millions of unhappy young girls forced into

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premature maternity in open defiance of the law, whose wrecked constitutions or prolonged, agonizing, lonely deaths are described in the words of their own countrymen in the following pages? No doubt there have been grave difficulties—difficulties due to superstition, ignorance, apathy, poverty; other difficulties inseparable from the position of alien rulers pledged to respect the customs and traditions of a civilization and of religions not their own. But what has been the quantity and quality of the efforts put forward to overcome these obstacles?

With regard to child marriage, the pages which follow indicate the answer. Or try another test. Go to any good reference library and take down some score or so of the innumerable books on India by those who have served her—ex-Viceroy, ex-Governors, and the lower ranks—choosing books dealing not with technical subjects but with the general problems presented by Indian rule. Look up in the index such words as "women," "marriage," "purdah." You will find sometimes nothing, sometimes a few paragraphs or sentences paying conventional tribute to missionary efforts, or to the recent uprising of the women's movement, or making complacent reference to the British suppression (several generations ago) of suttee and infanticide.

That is not the way men write of a subject that has ever occupied many anxious hours in an official day or been wrestled with in the wakeful hours of the night which they keep for their knottiest problems, or has set their hearts afame and left scars on their consciences.

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It is easy to be unjust. There have been administrators who have spoken out, taken strong official action, initiated or supported legislative action, perhaps at some risk. And for one whose acts have reached the public ear there may have been scores in isolated posts all over India who have extended protection to women in every way open to them. But the policy of rulers can be judged only by its broad tendencies and its achieved results. There can be no doubt that the general tendency of the all-male British administration, and the advice openly tendered to its new recruits, has been to "keep off the woman question," as delicate ground likely to cause trouble and bring odium on the Government.<sup>1</sup> And the advice has been so faithfully obeyed that not only the hands but the minds of these officials have been kept off the women. The very thought of the women, if it ever intruded, has been dropped into that darkoubliette which every one of us keeps in his mind for that most detested of intruders—a persistently neglected responsibility.

Let those who distrust these generalizations have the patience to read the following record concerning the most devastating and generally recognized of the evils which beset Indian women, and of the efforts made to end it. Then let him ask himself if he is proud of the record, and whether he would be happy to see his nation transfer its responsibility to others, before it has at least placed in the hands of those whom we have so signally failed to free the means of freeing themselves.

<sup>1</sup> See, for example, the speech quoted on p. 57.

## CHAPTER I

### CHILD MARRIAGE AS EXPOSED BY THE *JOSHI REPORT*

THE grave evil of child marriage and premature maternity and the right of the State to take cognizance of it and intervene have been recognized by Indian administrators for nearly a century. Hindu and Muslim ancient law severely punished the offence of rape outside marriage, but the idea of making intercourse between husband and wife below a certain age illegal seems to have originated with the Law Commissioners who drafted the Indian Penal Code in 1846. The Code, finally enacted in 1860, prescribed a punishment which might extend to transportation for life for the husband who consummated his marriage when the wife was under ten years old.<sup>1</sup>

Over thirty years later, in 1891, public attention having been aroused by a number of cases in Bengal to the intense suffering, often death, caused by premature cohabitation and immature prostitution, the "age of consent," as it was thereafter called—meaning consent to sexual intercourse—was raised for both married and unmarried girls to twelve. There was agitation against this Act, but the Government took a firm stand. Sir Andrew Scoble, who introduced it, asserted "the right and duty of the State to interfere

<sup>1</sup> *Report of the Age of Consent Committee, 1929* (hereafter called the *Joshi Report*), p. 10.

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for the protection of any class of its subjects, where a proved necessity existed," and to those who appealed to Queen Victoria's pledge "to pay due regard to the ancient rights, usages, and customs of India," the Viceroy, Lord Lansdowne, himself replied by saying that the Queen's Proclamation had always been understood by every reasonable man and woman and interpreted by the Government as subject to the reservation that

"in all cases where demands preferred in the name of religion would lead to practices inconsistent with individual safety and the public peace, and condemned by every system of law and morality in the world, it is religion, and not morality which must give way."

Unfortunately, these bold words do not seem to have been followed by any systematic attempt to enforce the Act, or even to make its existence and the reasons for it widely known and understood by the people. Thirty-seven years later, the Committee appointed by Government to investigate the matter found that the very existence of a law prohibiting consummation of marriage before a certain age was

"practically unknown throughout the country. A knowledge of it is confined to judges, lawyers, and a few educated men, who may read newspapers or are in touch with the courts of law. . . . It is possible that a knowledge of the law and the con-

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sequences of a breach thereof might have ensured a greater respect for it in many instances.”<sup>1</sup>

This failure was probably due partly to alarm at the agitation which the law aroused in some Provinces, partly to lack of sufficient interest on the part of all-male administrators trained to avoid “the woman question” as delicate and troublesome, partly to the intrinsic unworkability of the Act. These difficulties in the way of enforcing it as summarized by the same investigating Committee were: the necessarily private character of the offence; the difficulty of ascertaining the age of the girl owing to the illiteracy of witnesses and the imperfect registration of births; the inadequacy of medical tests; and, above all, the reluctance of both wives and their parents to complain. “The Indian girl-wife, . . . impressed since childhood with ideas about her devotion to her husband . . . would rather undergo any suffering than testify against him in a court of law, especially as social opinion may not uphold her. The parents . . . are interested in avoiding . . . the exposure of a delicate family affair in a law court.” Also, they reflect that if they secure a conviction, “the husband may discard her and take another wife. Among Hindus generally there is no custom of divorce and girls cannot remarry even if discarded.”<sup>2</sup>

These difficulties indeed appear overwhelming. But they scarcely explain the action of the Government in first backing an Act so clearly dependent for enforcement on energetic administration and an awakened

<sup>1</sup> *Joshi Report*, p. 18.

<sup>2</sup> *Ibid.*, p. 19.

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public opinion, and then taking so little trouble to stimulate that administration and to educate that opinion. In these respects, as we shall see, history has repeated itself. Do Governments ever learn from their mistakes?

After the 1891 Act, public opinion seems to have gone to sleep for another thirty years. But the war directed men's minds once more to the physique of the nation and the causes that were undermining it. From the time of the Montagu-Chelmsford Reforms onwards, Indian social reformers have led the way in pressing the subject on the Assembly. At first their objective was to further raise the age of consent to fourteen. An unofficial Bill to secure that end was introduced in 1922 and circulated to Provincial Governments, who gave varying opinions—three favourable, two hesitant, and three unfavourable. Two years later a further attempt was made by Sir Hari Singh Gour. This time the Bill was referred to a Select Committee, which reduced the proposed age for married girls from fourteen to thirteen. The Assembly refused to accept the reduction, and raised the age outside marriage to sixteen. The Government strongly opposed this, and the Bill was defeated. Next year, to meet the rising tide of opinion, the Government itself introduced and carried through a Bill fixing the age of consent at thirteen inside and fourteen outside marriage.

An attempt to raise the age further was made in 1927 by Sir Hari Singh Gour. But meantime a strong opinion had grown up in favour of the more drastic but more effective and easily enforced step of pro-

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hibiting even the celebration of child marriage, and a Bill to this effect was introduced by Rai Sahib Harbilas Sarda. Hence the Government decided to refer the whole matter to a strong Committee, and this they did in June 1928.

This marks an epoch in the history of the subject. The Committee was all-Indian, except for one British woman doctor. It is known as the Joshi Committee, after the chairman, Sir Moropant Joshi, formerly Home Member of the Central Provinces. The other nine members included two judges and four other lawyers. Six members were Hindu and three Muslim. It was thus, as the Government had promised, a very weighty Committee, and it did its work—which covered just a year—with great thoroughness, travelling all over India, interviewing four hundred witnesses, and issuing nearly eight thousand questionnaires. Its report, exposing as it does some of the sorest places in Indian private life, is a remarkably courageous and convincing document, and it remains the chief storehouse of information on its subject. Here is the final pronouncement of this weighty Committee after its exhaustive examination on the extent and results of child marriage :—

"Early maternity is an evil and an evil of great magnitude. It contributes very largely to maternal and infantile mortality, in many cases wrecks the physical system of the girl and generally leads to degeneracy in the physique of the race. Let us compare the case of Sati which was prevented by legis-

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lation with the case of early maternity. Satis were few and far between. They compelled attention by the enormity of the evil in individual cases, by the intense agony of the burning widow and the terrible shock they gave to humane feelings. But, after all, they were cases only of individual suffering; the agony ended with the martyr and the incident had some compensation in the martyr being almost deified as an ideal Hindu 'Pativrata,' a devoted wife, the subject of adoration after death. In the case of early maternity, however, the evil is widespread and affects such a large number of women, both among Hindus and Muslims, as to necessitate redress. It is so extensive as to affect the whole framework of society. After going through the ordeal, if a woman survives to the age of thirty, she is in many cases an old woman, almost a shadow of her former self. Her life is a long lingering misery and she is a sacrifice at the altar of custom. The evil is so insidious in all the manifold aspects of social life that people have ceased to think of its shocking effects on the whole social fabric. . . . If legislation was justified for preventing Sati, there is ample justification for legislation to prevent early maternity, both on the grounds of humanity and in furtherance of social justice."<sup>1</sup>

In the above passage we seem to see this Committee

<sup>1</sup> *Jashi Report*, p. 102. Readers imperfectly acquainted with the nature of Sati (suttee) will better understand the force of the condemnation of early maternity implied in this comparison if they read Edward Thompson's book on *Suttee* (Allen & Unwin, 1928).

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of Indian judges, lawyers, and politicians struggling to find words strong enough to express the horror with which their detailed study of the facts has filled them. Those facts are recorded in nine closely printed volumes of evidence and summed up in a substantial report.<sup>1</sup> But one of its members has testified that "things are far worse than they are described in the Report, because we did not wish to excite or provoke unnecessarily the feelings of orthodox people,"<sup>2</sup> while another described the evidence as "a relentless story of cruelty and selfishness."<sup>3</sup>

One by one the Committee deals with and dispels every comfortable fiction that had been put forward to extenuate the evils of early marriage. As to the extent of the practice, after careful examination of the Census Report they reach the conclusion that over 42 per cent of the girls of India are married before fifteen.<sup>4</sup> Nor is the custom confined, as is commonly supposed, mainly to Hindus. The extent to which it is found to prevail among Muslims is said to have surprised even their representatives on the Committee, which calculates the percentage of girls likely to marry under fifteen in the two communities as 48·4 for Hindus and 37·01 for Muslims. We shall see later that according to the Census of 1931 Muslims have actually surpassed Hindus in the proportion of their child-wives. Dealing with the favourite argument of Indian apologists that early marriage in India is the equivalent of betrothal in

<sup>1</sup> *Report of the Age of Consent Committee*, Calcutta, 1929.

<sup>2</sup> *Legislative Assembly Debate*, September 11, 1929, pp. 667-68.

<sup>3</sup> *Ibid.*, p. 385.

<sup>4</sup> *Jasik Report*, p. 95.

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Western countries, the Committee points out that marriage among Hindus is "not a mere betrothal or engagement, from which the parties can break off, but an irrevocable tie which makes the couple husband and wife in the eyes of the law and of the public and after which the death of the boy leaves the girl a widow."<sup>1</sup> It is true that very early marriages are not usually followed by immediate consummation, but "consummation soon after marriage is almost universal among classes which practise early marriage. . . . The fitness of a girl for consummation and possible motherhood from a physiological point of view is hardly taken into consideration."<sup>2</sup> As to pre-puberty consummation, the Committee found that, although not usual in any class or community, the practice "exists to a far greater extent than may be ordinarily supposed and requires a drastic remedy."<sup>3</sup> With regard to the widespread belief that puberty is attained very much earlier in India than in the West, the evidence before the Committee pointed to an average difference of only a year. And, finally, the Report demolishes the hope that the practice is rapidly disappearing. It says: "There is no doubt that the practice of early marriage is being gradually abandoned by several castes and communities. But the pace of improvement is exceedingly slow. Moreover, progress in one community is counterbalanced by retrogression elsewhere, and while castes and classes which are considered advanced may be getting over the practice, others are adopting the older

<sup>1</sup> *Joshi Report*, p. 92.

<sup>2</sup> *Ibid.*, p. 97.

*Ibid.*, p. 97.

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customs to an increasing extent, with a view, possibly, to ascend in the scale of the caste hierarchy."<sup>1</sup>

But it cannot have been merely the figures as to wide extent of child marriage, nor even the regrettable fact that it had diminished scarcely at all,<sup>2</sup> that so greatly perturbed this Committee of experienced Indians. Rather, doubtless, it was the steady impact of evidence—from doctors and hospital matrons, lawyers and social workers, fathers and husbands confessing their own experiences, in every province and community in India—that brought home to them the frightful results of the practice. The effect of such evidence is cumulative, and no summary is likely to induce in its readers the feelings which so overwhelmed those who heard the living witnesses. That is a misfortune common to all inquiries into great evils. Many a line of statistics has curled up in it more tragedy than all the tragedies of Shakespeare; but how many who read it have the imagination

to see

The absent with the glance of phantasy.

I conclude this chapter therefore with a number of typical passages, chiefly from the *Joshi Report* but a few from other authoritative sources, illustrating the nature of the sufferings arising from child marriage and finally describing the conditions under which these sufferings are endured when, as happens in a great majority of

<sup>1</sup> *Joshi Report*, p. 96.

<sup>2</sup> Was destined, in fact, as we shall see later by the Census of 1931, to increase enormously, though for an exceptional and non-recurrent reason.

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cases, no medical or any other kind of skilled aid is available. Such evidence could be multiplied many times. As the Census Commissioner remarks of the *Joshi Report*, "It is quite impossible to read it, in particular the medical evidence, with any approach to equanimity."<sup>1</sup> Nevertheless, I beg the reader to make the effort, bringing to it the eyes of the mind as well as of the body, and remembering that these things have not happened in a dead past but are happening every day, all over India, in enormous and for the present increasing numbers. Sir John Megaw<sup>2</sup> estimates that "100 out of every 1,000 girl-wives are doomed to die in child-birth before they have ceased to have babies, and about 200,000 mothers die in giving birth to children every year in India." Such deaths are nothing less than deaths on the rack, due to the straining of muscles and sinews, nerves and tendons, in the body's effort to perform a function for which it is too weak, immature, or ill-formed. They are never "natural" save in the sense that they are Nature's vicarious punishment for disobedience—not the victim's—to her laws. Yet because they happen out of sight, they are easily forgotten and have called forth what slender measure of preventive and remedial effort the reader of the succeeding chapters will be able to judge.

N.B.—Readers who desire a short cut are recommended to skip to p. 42.

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<sup>1</sup> *Census of India, 1931, Vol. I, Part I, p. 96.*

<sup>2</sup> Now Medical Adviser at the India Office; quoted in *Census of India, Vol. I, Part I, p. 97.*

## EXTRACTS FROM THE JOSHI REPORT AND OTHER SOURCES

THE examples chosen are chiefly from medical and legal witnesses whose positions are likely to carry confidence. It is only fair to say that there were some witnesses of similar calibre who had had very little experience of the extreme evils caused by early maternity, showing that in some circles or districts these tragic occurrences are comparatively rare.

Sir P. C. Ray, University College of Science and Technology, Calcutta.—Vol. VI, p. 225<sup>1</sup>.

Asked if he had known of cases where girls of thirteen or fourteen had become mothers and suffered for it, he replied :—

“It is common knowledge. It is not so rare that I should single out one or two cases. I have noticed it almost in horror and shame that girls should become mothers at so early an age.”

He says that, when a man dies, leaving a young widow, she becomes “the common property of the entire village caste.” Also that “in the Hindu society” a man of sixty who is a grandfather may marry a girl of twelve or fourteen, and that this is “not rare; I will not say it is very uncommon.” “Public opinion tolerates many dirty things.”

<sup>1</sup> The references, except where otherwise stated, are in the volumes of evidence issued with the Joshi Report.

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**Dr. G. J. Campbell, M.D., Principal of the Lady Hardinge Medical College, New Delhi.—Vol. I, p. 443.**

"I must have attended more than a thousand Hindu girls for child-birth at ages of twelve and three-quarters to sixteen and a half, and the bad effects seen in them and in others under observation or treatment as a result of this early child-bearing can hardly be exaggerated."

She gave as instances of the bad results, tuberculosis, "which often develops during pregnancy or lactation"; osteomalacia (softening of the bones), of which she knew of twenty-seven caesarian operations in the previous year for this cause alone; the girls look five or ten years older after the birth of the first child; children are small and below par in vigour and resistance to disease.

**Dr. N. H. Blair, L.S.A.(Lond.), of Darjeeling (Vol. VI, p. 287),**

says that the cases of serious injury to mothers are so numerous that it is difficult to make a selection, but he gives the following instances:—

(a) A girl of twelve and a half who suffered in labour for seven days.

(b) A girl who died in labour at the age of eleven years ten months.

(c) A girl aged twelve and a half who had to have her baby decapitated, and nearly died.

"Many girls under thirteen suffer from osteomalacia as a result of early maternity."

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**Dr. E. A. Douglas, in charge of the Kinnaird Memorial Hospital, Lucknow.—Vol. IX, p. 53.**

"I saw a girl of twelve whose vulva and vagina were so badly mutilated and mental condition so badly affected that she was quite demented. Her sister forcibly removed her from the husband's home. On admission to hospital, her vulva tissues were crawling with maggots and she herself was affected with gonorrhoea. Incidentally, the husband sued for restitution of conjugal rights and won his case, I was told."

Had many cases of osteomalacia, which is general in mothers of eighteen to twenty after the second pregnancy; also cases of eclampsia. "Mothers under fifteen are far more difficult to cure than elderly women."

**Dr. Dube, Health Officer of Lucknow.—Vol. IX, p. 93.**

Asked to account for the fact that the deaths of girls from ten to fifteen are nearly double those of boys of same age, he attributed it to purdah and early marriage.

He said that the conditions in houses were "simply abominable," and in such houses the girls are confined after the eighth or ninth year and not allowed to go out. He attributed their deaths to the lack of education on ventilation and unhealthy surroundings.

**Dr. Sathna, Health Officer of Delhi.—Vol. I, p. 439.**

"The first child among Hindus almost always dies." He attributes this to early marriage and premature birth.

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"Girls have not got the vitality to fight against nature."

**Dr. Edith Ghosh, Calcutta.—Vol. VI, p. 38.**

Has a private practice and has been in charge of a maternity hospital.

Saw a girl having her eighth pregnancy; she was only twenty-two.

In the year before that she saw a Madrasi girl; she was only twenty-one, but it was her seventh child. "I told her she was not trying to get better. She said, 'It is no use my living because maternity comes on every year.' She did not want to live. She died a few months later of inanition."

She thought the physical injury of very young maternity "as nothing compared with the mental shock." Had seen one or two girls become mental wrecks.

Remembered one girl of thirteen married to a man of seventy-five; he had had two or three wives, but they had died shortly after marriage. He was a very rich man, and very well known in Calcutta.

**Sister Subbalakshmi, Head Mistress, Lady Willingdon Training College.—Vol. IV, p. 117.**

"Would you say that in the case of Brahman girls the marriage is consummated before the girl completes her fifteenth year?"

"It is so in 99 per cent of the cases . . . the number is larger under fourteen than under fifteen."

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Asked for cases where young girls had suffered from early consummation, she said :—

"Within the last five years I have come across more than ten cases like that among Brahmans. . . . They are married at ten or eleven till the time they go to their mother-in-law's house. There is no girlhood at all among Brahmans. The mother-in-law treats the girl as if she were a woman; the domestic duties are on her shoulders. This results in the derangement of the womb and there are other complications." She instanced a girl married at ten and a half; marriage consummated at eleven; has to do the whole of the domestic work from 5 a.m. to 10 p.m.; had to go to hospital four times; husband resisted her going and would not let her stay long enough to get cured.

"You see any number of mothers between fourteen and fifteen who are not able to look after their children; so young themselves, they cannot keep awake at night with the babies crying all the time."

"How many such cases have you seen?"

"Many such cases; it seems to be a general rule."

"More than ten or twelve in two years?"

"More than that."

Dr. A. C. Scott, Chief Medical Officer of the Women's Medical Service.—Vol. I, p. 25.

Had "several cases" when in charge of a hospital at Delhi where the bridegroom was in all cases over thirty; the bride's age was usually about twelve. One case was that of a child of ten years; the mental con-

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dition of the child was one of terror almost amounting to insanity. The physical injuries were in some cases severe. No case was brought to hospital in which there had not been fairly severe haemorrhage, it being that which had frightened the mother-in-law into bringing her.

**Mrs. Lilian Starr, Medical Mission, Peshawar.—  
Vol. I, p. 207.**

"In Kashmir . . . many girls aged eleven or twelve are brought in labour to our hospital. They are often *in extremis* and quite unable to bear living children without the skilled operation of caesarian section. Undoubtedly many do not reach us and die in labour."

**The Hon. Mr. Justice Nanavutty, Judge of the Chief  
Court of Oudh at Lucknow.—Vol. IX, p. 243.**

"I certainly do consider early consummation of marriage and early maternity two of the principal factors responsible for the high maternal and infantile death-rate. . . . The purdah system results in the ignorance of the girl-wife in matters of health and hygiene, and the custom of the dai or barber-woman cutting the umbilical cord of the child with a dirty unclean kharpī (generally used for cutting grass) or an old razor are other causes that make for the early death of the mother and child with the silence and depth of a strong tide at night. . . . Until the women of the country take up this cause in right earnest, the generality of men, who look upon them as their

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playthings, will not really and seriously bestir themselves."

### Evidence of Orthodox Muslim Witnesses

"Quazi Zahirul Haq, of Dacca, admits that girls are married at all ages, even at two and three, among the lower class of Muslims, that immediately after puberty, which happens at eleven or twelve, the girl is sent to the husband's house and that he is aware of girls who became mothers at thirteen or fourteen, but he will oppose all consent and marriage legislation as it interferes with the liberty granted by God's law. To the same effect is the evidence of Khan Bahadur K. A. Siddiqui, who strongly urges the reduction of the present age of consent to eleven. The witness states that cohabitation is not uncommon in lower classes before puberty and is considered essential by all, including the advanced section, soon after puberty. He is personally aware of four or five girls who had cohabitation at ten and eleven and became mothers. He is, however, deadly against fixing by law an age of marriage."<sup>1</sup>

The Report from the United Provinces says:—

"Some of the Kunbis who were examined at Benares stated that in their caste girls were at times sent to their husbands before puberty, that many girls had become very weak and their children were very weak and unfit to do any sort of agricultural work, that they

<sup>1</sup> *Joshi Report*, p. 68, Bengal.

had tried their best that no marriage should take place before ten years of age for boys and seven for girls, but nobody would agree to it and that without penal legislation fixing a minimum age of marriage no reform would be achieved. . . . One of them, in fact, said that he had a daughter who was 'now' five years old, and that he was unable to get a husband for her because she was considered by his caste people to be too much grown up."<sup>1</sup>

But perhaps the most vivid account of the effect of the system on the life of young girls is contained in a speech by Dr. Muthulakshmi Reddi before the Madras Legislative Council (of which she was Deputy President) on March 27, 1928, when introducing a motion recommending the Government of India to raise the age of marriage. The following are some extracts:—

"I beg to move this resolution on behalf of the woman population of this country because, Sir, owing to the prevalence of the early marriage system among the higher-class Hindus the advent of a girl baby is never welcome; the birth of a girl is looked upon as a great piece of misfortune, especially if the parents are poor; the responsibility of finding a decent, suitable husband for her is already felt so keenly as to kill even the paternal and the maternal love, with the sad result that in many poor families girl children are neglected from the moment of their birth.

"In a few instances I have seen the girl babies allowed to die out of sheer neglect by their own parents.

<sup>1</sup> *Jashi Report*, p. 85.

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. . . Even the poor mother may be blamed for having given birth to a girl. The medical woman on attendance will not be remunerated properly. People in their sorrow will forget even the usual practice of distributing sugar and *pans* to their friends and relations. The whole house will put on a gloomy appearance.

"Thus, owing to this evil custom of child marriage, the girl child, even from the moment of her birth, becomes a concern and a burden on her family. As she approaches her eighth or ninth year her parents begin to talk of her marriage, her future husband, and the probable expenses. So care and anxiety take hold of the family.

"Naturally the girl shares in the feelings of her parents. We know of many instances when sensitive girls burnt themselves to death with kerosene oil to save the parents the expense and annoyance of their marriage. Even such tragedies have failed to move the country into action.

"The girl loses all her childlike innocence, becomes shy, reticent, imitates all the ways and manners of the elderly women of the family. The women of the house, having no other outside recreation or distraction, indulge in such talks as to infuse into the minds of these girls the sex ideas of a mature brain. After the marriage, the girl becomes the property of the bridegroom's parents and undue restrictions are placed upon her movements. She should not run about or play or talk loudly or laugh in the presence of her mother-in-law or strangers. Thus she is robbed of the brightest period of her life, her girlhood and youth. She knows

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only childhood and womanhood. Thus from the period of infancy itself she is forced into the period of producing infants! . . .

"During the sixteen years of medical practice among the higher-class Hindus, I have attended on many a child-mother ranging from twelve to fifteen, not without many fears and misgivings as to the ultimate results of those unnatural labours. I have sat by their bedside nights and days with a heavy heart, vainly moaning over their miserable condition, a condition brought about, not of her own free will and choice, not by her own imprudence or misdeed, but by a blind meaningless custom of our society and the ignorant superstition of the parents. . . .

"Again, I cannot describe to you, Sir, without a pang in my heart, the miserable lot of our young Indian mothers, who themselves not keeping well owing to repeated conceptions, abortions, and miscarriages, have to look after half a dozen constantly ailing, fretful, sick children in the house.

"In the middle-class and poor families with an unsympathetic husband and an illiterate, cruel-hearted mother-in-law, the lot of the poor young, inexperienced daughter-in-law is very hard indeed. She has to serve as a cook, as a nurse to her children, as the wife and a general servant in the house, and in addition has to observe all the foolish acharams prescribed by the elders of the house. . . .

"Dr. Macphail, for whom we all entertain a high regard, a lady who has spent fifty years in the service of Indian womanhood, tells the same tale:—

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"During forty years of medical work I have attended a good many labour cases. . . .

"I have attended six young girls who were about twelve years old, certainly not yet thirteen, and I have attended many who were in their fourteenth or fifteenth year. Almost invariably these labours were abnormally long and difficult, and the inevitable suffering was greatly increased by terror. In one case the young mother went insane during labour from terror and pain, and it was many months before she recovered from the nervous shock and strain and was able to take her place in the family. When they do survive this ordeal, the salvation of these young mothers lies in the fact that the babies are usually very small. But it is a very sad outlook for the country if the children of the highest caste are so feeble, puny, and undeveloped, as many of these children prove to be. Many of these young mothers, we all know, are permanently injured and never really recover. . . ."

### Conditions of Confinement in Indian Homes

The above accounts of the sufferings of these child-wives, even when attended by expert women doctors, are terrible enough. But to realize the full horror of the facts, one has to remember that the vast majority of confinements in India are attended, not by doctors, but by native midwives or dais. The methods employed by these are described as follows in a treatise on *Child Welfare*, by H. Suhrawardy, M.D., F.R.C.S.I., L.M., District Medical Officer, Lillooah, E.I.R., Fellow

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of and Examiner for Calcutta University and the State-Medical Faculty of Bengal, Fellow of the Medical Society of London :—

"In a great many homes in India, specially among the Indians of the higher castes, the puerperal woman is looked upon as unclean, whose touch necessitates a bath of purification, and therefore the worst and the oldest beds and such beddings as could be thrown away after the event are used, and the most useless lumber-room of the house is chosen as the lying-in apartment. Sepsis, puerperal fever, infantile tetanus, and other microbic diseases take their heavy toll from such suitable nidus and material for their development. After child-birth the poor mother is denied God's light and fresh air, and even cold water. The windows and doors, such as there may be in that small room, are kept shut and securely fastened; and although ventilation is totally obstructed, and there are no fireplaces and chimneys in Indian houses, yet a fire in an 'Angethi' is constantly kept going inside, and a small chirag or taper is kept lighted day and night to ward off the evil spirits. Instead of a clean accoucheur or a midwife, a dirty low-class woman, with long and filthy nails and fingers cramped with dirty rings made of base metals, recruited from the untouchable caste of the Chamar or the Dosad, is requisitioned to usher into life the helpless infant who is the hope and the future of the country.

"I have been through the slums of the East End of London and of Edinburgh, and have practised mid-

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wifery there, and I have worked in the tenement houses of the back streets of 'Dirty Dublin,' but nowhere have I come across anything so repugnant, so appalling, and so cruel!

"The dirt and the squalor of the slums of the West is due to want and poverty, but what excuse have we, the well-to-do Bhadraloge Indians, for subjecting our high-caste Hindu and Mahomedan women to this awful torture, born of and nursed by rank superstition and ignorance?

"In the vitiated and unhealthy surroundings which I have attempted to describe, the poor woman who has undergone the travails of child-birth is incarcerated and is given hot fomentations to her body and made to drink decoctions of various 'heating' vegetables and dried fruits from three weeks to forty days. During this period the infant is never brought out of the Soori or Antoor, as this room of horrors is called, for fear of the evil eye, the Dain or village witch, and the evil spirits. It has always been a wonder how, under such conditions, mothers have ever escaped cent per cent mortality, and why our very manhood has not been exterminated or dwarfed to the lowest possible ebb by the blight of these harrowing surroundings. I am, however, glad to say that under the influence of Western medical science things have materially improved and altered in many houses, but whether due to habit or superstition or poverty or ignorance, the conservative ideas regarding the management of puerperal women have not seen their last in India."

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Dr. Arthur Lankester's very similar picture (*Tuberculosis in India*, 1920) adds the fact that the girl's own mother is too often shut out from her during her ordeal:—

"Perhaps the hardest of all the consequences of this idea is the fact that it banishes the girl's own mother at the very time when, if ever in a lifetime, a mother's help is needed. While in some parts it is permissible for the mother to enter the room on condition of her undergoing special ceremonial cleansing afterwards, special sets of clothing being sometimes reserved for the occasion, yet in the vast majority of cases the presence of the mother is forbidden. This would matter less if the midwife was one in whom confidence might safely be placed. But this is far indeed from being the case. Dirty in habits, careless in work, and often callous to suffering, bold in treatment, with courage born of crass ignorance, and which causes untold mischief to her patients, the Indian dai is in urgent need of reform. Its very nature as things are now limits it to women of the lowest class, while the fact that it is hereditary, one individual regarding it as her right to have the care of a limited group of families, removes the incentive of competition and rivalry. I have traced the course of a single woman of this sort for years amongst the respectable Hindus of a large city, her operations being continually followed by a trail of puerperal fever and death. She and those like her would make frequent internal examinations, never using water to cleanse her hands until the end of the case."

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Numerous activities are now in operation, under both Indian and British auspices, to train the indigenous dai. But, as the *League of Nations Report on Health Organization in India* (1928) remarks:—

"The work, however, proceeds very slowly, and there are many obstacles to be overcome. All doctors who have had experience of the work are convinced that it is not sufficient merely to train the daïs. Supervision of their work subsequently is necessary to prevent their lapsing into the old methods. . . . Yet that supervision is for the most part non-existent, and cannot be supplied without greater funds and personnel."

And again:—

"The supplying of trained daïs or midwives to the villages is an exceedingly difficult problem, the solution of which has scarcely been attempted."

## CHAPTER II

### THE SARDA ACT AND ITS EFFECTS AS EXPOSED BY THE 1931 CENSUS REPORT

THE two main recommendations of the Joshi Committee were, briefly: first, that the age of consent should be raised to fifteen for married girls and to eighteen for unmarried; secondly, that more effectively to prevent premature consummation, even the celebration of marriage of a girl under fourteen should be prohibited and penalized, but not made invalid.

Little has been heard of the first recommendation, concerning age of consent, but the proposal concerning age of marriage was speedily carried into law. This was the easier because the Bill introduced by Mr. Sarda in 1927 had already been circulated to the Provincial Governments and had also passed through a Select Committee, which had dropped the Bill's original proposal to invalidate marriages before the legal age and had substituted the infliction of legal penalties on those responsible for such marriages, on lines very similar to those recommended by the *Joshi Report*. This Bill, extended to cover all communities and not only Hindus, was accordingly again brought forward in the Legislative Assembly, and after several days' hot debate and some amendment it passed by 67 votes to 14 and became law on October 1, 1929. It received the support of the entire official *bloc* and of every European who voted. The Home

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Member, Sir James Crerar, declaring that "the measure has the most cordial sympathy and the strongest support of Government," pointed out that "public opinion has had very ample opportunity of expressing itself"; paid a warm tribute to the Report of the Joshi Committee; and proclaimed the Government as convinced by it that "there exists a grave and corroding evil in the country which is clamorous for a remedy."<sup>1</sup>

In face of this declaration it cannot be denied that the Government of India shares with Indian social reformers full responsibility for the Act.

It is also undeniable that the Act has not only been an almost complete failure, but that indirectly it has been the occasion of a colossal increase in the evil it sought to remedy. As there is a danger that this fact may be used (by those ignorant of or willing to ignore the truth) as an argument against future attempts at social legislation, it is important that not only the facts about this failure but also the reasons for it should be fully understood.

Let me first summarize the facts:—

The provisions of the Act were briefly as follows: Passed on October 1, 1929, it was not to come into effect until six months later, i.e. on April 1, 1930. After that, it was to apply to all British India, not (as in the original Sarda Bill) to Hindus only. It prohibits the marriage of girls under fourteen and of boys under eighteen. It expressly prohibits any Court from taking proceedings against offenders except upon complaint. A complainant who wishes to lay informa-

<sup>1</sup> Legislative Assembly Debates, September 4, 1929.

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tion that the Act has been infringed must do so before a Presidency Court or a District Magistrate's Court, and he must, unless specially exempted by the Court for reasons assigned in writing, give security for his ability to pay if required 100 rupees compensation if the prosecution fails. If it succeeds, the Court may inflict a penalty of not more than 1,000 rupees or one month's imprisonment, or both, on any of the following: the husband (if over twenty-one), the male parent or guardian of the child spouse, the person who conducts or directs the ceremony. A husband aged eighteen to twenty-one and any woman defendant may be fined but not imprisoned.

The positive fruits of the Act are easily counted. As the Secretary of State was good enough to ascertain for me in reply to a Parliamentary question, during two years and five months after the date when it became enforceable, that is, up to the end of August 1932, there were 473 prosecutions, of which only 167 were successful. There were 207 acquittals, and 98 cases were still pending. Of the successful prosecutions in only 17 did imprisonment form the whole or part of the sentence. The largest numbers of cases were in the Punjab and the United Provinces, with 146 and 110 respectively. In Bengal, where the Joshi Committee had found the evil in its worst form to be specially rampant, there were only 41.

This is a meagre harvest. But the immediate effects—not of the Act itself, but of action taken and of action not taken in connection with it—are staggering.

As already mentioned, six months were arranged to

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elapse between the date of enactment and that on which the measure was to come into force. The interval was presumably intended to allow time for the people to become acquainted with and reconciled to the law. I have not been able to discover that any special educational propaganda was anywhere set on foot to achieve the latter purpose. But the work of publicity was effectively seen to, not by the friends but by the enemies of the Act. Believing (wrongly as the event proved) that the Government at last meant business about child marriage, and foreseeing much pecuniary loss to themselves, the priests who had been wont to draw rich fees from marriage ceremonies, and the money-lenders who provided the parents with the wherewithal, resolved that at least they would make hay while the sun shone. The methods they adopted have been variously described. In one province it is said that while the Government did nothing but distribute a few leaflets, obscurely worded and in English, the emissaries of the opposition had managed to circulate to the remotest villages the tidings, often announced by word of mouth to the beating of drums, that after April 1st the Government had prohibited all marriages—not of girls under fourteen, but for *fourteen years*; or, alternatively (according to another version), that marriages would be inauspicious during that period. Whatever the means, testimony is unanimous as to the result. All over India there was a veritable spate of marriages, of children of all ages, from *infancy* upwards, so that the night in many districts was made hideous with the sounds of the

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processions and festivities. But it is only since the Report of the 1931 Census became available in the summer of 1933 that the extent of the havoc could be calculated. This has now shown that though the total population has been increased by only 10·6 per cent, the number of acknowledged wives under fifteen has increased from roughly  $8\frac{1}{2}$  to  $12\frac{1}{4}$  million, and the number of husbands under fifteen from under  $3\frac{1}{2}$  to over  $5\frac{1}{2}$  million, while wives under five years old have nearly quadrupled (from about 218,500 to about 802,000). As to child widows, the Report showed that a remarkable decrease since 1921 (from roughly 396,000 to 321,000) was likely to become a great increase, as a result of the fatal six months. This had already become true of the infant widows under five, whose numbers had increased from roughly 15,000 to 31,000. As the Census Report observes :—

"the year that elapsed between the rush of anticipatory marriages and the taking of the Census left time for many infants married in haste to become widows for life," and this is "probably significant of sorrows to come" (p. 221).

But this is not all. The Census Commissioner considers, on evidence too technical to explain here, that from a million to a million and a quarter married girls under fourteen years of age have been returned as unmarried, as well as a considerable number of boys, the reason being the parents' fear of incurring prosecution for an illegal marriage. This is given as the explanation of the anomaly that had already struck

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students of the Census figures first published, that in spite of the practice of polygamy and the absence of polyandry in India, these figures showed over a million more husbands than wives.<sup>1</sup>

From the figures it appears that, even if we allowed for an increase in the number of child marriages proportionate to the increase in the population (and, fortunately, the Census Report gives reason to believe that there was, up till 1930, a decrease of about 1 per cent in each decade), the number of children hustled into matrimony during the fatal six months was probably not less than three million girls and two million boys.

A significant and ominous fact also made plain by the Census Report is that this frightful increase in child marriage has been proportionately greatest among Muslims, and that their community has led the outcry against the Act, although it is not even pretended that the Muhammadan religion requires or encourages premature marriage. One frequently, indeed, hears it asserted that it is a practice peculiarly Hindu. In fact, even at the 1921 Census the ratio of Muslim wives under fifteen was only 4 per cent lower than among Hindus, and has now become slightly higher, the increase being greatest, at least in some provinces, among wives under ten years old. Also there is evidence that the practice has spread to primitive tribes previously free from it.

Deplorable as are these results, they at least show that the existence of the Act, unlike the earlier attempts

<sup>1</sup> *Census of India, 1931, Vol. I, Part I, pp. 215-16.*

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to regulate age of consent, had somehow (chiefly through its opponents) reached the consciousness of the masses and that they expected it to be enforced. As the Census Report of Assam candidly remarks, "they need not have concerned themselves, because the Act is in practice a dead letter," and "practically a dead letter" is repeated in the Reports of most of the other provinces. The necessity for enforcing "respect for law and order" has recently been much in the minds and on the lips of those in authority all over India. But laws concerning social reforms are apparently an exception, being intended rather to quiet the consciences of the legislators and their critics at home and abroad than to be obeyed. The official attitude was indicated after the first recorded prosecution under the Act. The offender, who had given his ten-year-old daughter in marriage in defiance of the warning of his village Headman, was sentenced to one month's imprisonment—the maximum term permitted under the Act. Instantly the Punjab Government telegraphed to order the man's release. Probably they were made nervous by the unrest prevailing at the time in the northern provinces, to which misleading rumours concerning the Sarda Act were said to have seriously contributed. Anyway, their action was widely reported in the Indian Press. But before that (as we learn from the Census Report) an assembly of 12,000 Muslims had met in the Jama Masjid, the great Mosque of Delhi—centre of the Government—to witness the marriage of a boy of thirteen to a girl of nine, just four days after such marriages

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had become illegal. The District Magistrate was petitioned to prosecute all concerned, but no prosecution appears to have followed.<sup>1</sup> In Madras, a munsiff who transgressed the Act was dismissed by the Collector, but reinstated with a warning by higher authority.<sup>2</sup> The Courts seem to have followed the hints thus given them by usually imposing extremely light penalties. In Bengal, two Muslim brothers, aged fifty and forty-five, were convicted of marrying their wards, aged four and two respectively, in order to obtain final control of their property. They were fined 150 rupees (about £11) each—not an excessive penalty, as the Census Commissioner dryly remarks, in view of the fact that they had presumably attained their end.<sup>3</sup> (It will be remembered that the maximum penalty is 1,000 rupees or a month's imprisonment.)

In a few towns social agencies did take action. Thus in Gujerat the Social Reform Association interfered successfully in several cases, including two where men of forty or fifty were about to marry girls of six. In Bombay the Youth League interfered to prevent the marriage of a sickly boy of twelve who already had one living wife.<sup>4</sup> Unfortunately, the marriage was subsequently carried out outside British territory, after which the boy died, leaving two child widows.<sup>5</sup> In Nasik the Court interfered on the complaint of an indignant neighbour to prevent the marriage of a Brahman girl of ten to a deformed cripple nearly four times her age. But individuals valiant enough to take

<sup>1</sup> *Census of India, 1931, Vol. I, Part I, p. 232.*

<sup>2</sup> *Ibid., p. 233.*

<sup>3</sup> *Ibid., p. 233.*

<sup>4</sup> *Ibid., p. 232.*

<sup>5</sup> *Ibid., p. 231.*

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similar action are rare, and, as the Joshi Committee had specially warned the Government, the number of organized agencies able to take action

"is so small and the places where they exist so few that it would be a travesty of facts to suggest that these associations would serve the purpose of reporting even grave cases of breaches of the law. The rural areas may be altogether wiped off the map if hope is concentrated on the manner in which these associations will function."<sup>1</sup>

Indeed, we can see now that it does not need the studied indifference of the authorities to the Act once it was on the Statute Book to secure its failure. It was foredoomed to fail by the very nature of its provisions. What did they amount to? The onus of taking action against child marriage, the "great and corroding evil . . . clamorous for a remedy," as the Government's own spokesman had described it, is placed exclusively on the private citizen. And what sort of motive is left him to proceed? Certainly not self-interest; certainly not pity for the child victim. Since he must make his complaint formally and publicly, whether he succeeds or fails he incurs the enmity of both families and their friends. If he fails, he may lose his 100 rupees. If he succeeds, he does not rescue the child bride, but merely exposes her to the risk that the husband or his family may wreak their spite on her. She is just as indissolubly bound to

<sup>1</sup> *Joshi Report*, p. 139.

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him and under his authority as if the marriage had not infringed the Act.

Some critics have severely blamed the promoters of the Bill for consenting to drop the original proposal to invalidate child marriage. But since a Hindu marriage is by their religion indissoluble, the proposal would have involved so serious a conflict between law and religion and such possibilities of endless dispute concerning legitimacy of offspring and inheritance of estates that it is well known that the Government would have refused its assent. The Joshi Committee itself had rejected the proposal as impracticable.

Short of this, however, there were three provisions which would have immensely strengthened the effectiveness of the Bill. First, the Court itself might have been permitted (as it is in the case of some crimes) to initiate prosecution upon information privately received, after such inquiry as it thought necessary to establish a *prima facie* case. Secondly, the complainant might have been permitted to apply for and the Court to issue an injunction prohibiting a marriage shown to have been arranged. It appears in fact that in a few places a District Judge has actually issued such an injunction, though there is no provision for this in the Act, and the practicability of such procedure does not seem to be generally known. Thirdly, the Court could have been enabled to require the husband, or his guardian if he was a minor, to make provision for the separate custody and maintenance of a child-wife married in defiance of the Sarda Act until she reached the legal age for marriage,

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or until such period as it thought it safe for her to return to him. The Joshi Committee recommended such a provision.

But it is not only in this respect that the recommendations of the Joshi Committee have been ignored. That Report also advised as essential to success a number of steps which could hardly have been incorporated in the Sarda Act, but were rather matters for administrative or separate legislative action. The more important of these were the following :—

(a) Wide publicity for the provisions of the Marriage and Consent Laws and educational propaganda. Women's Associations to be utilized for such propaganda and aided with money grants for the purpose. The Committee uses capital letters for this recommendation: "WE ATTACH GREAT IMPORTANCE TO A PUBLICITY CAMPAIGN AND . . . WE FEEL THAT THE STATE OUGHT TO UNDERTAKE THE LARGER PART OF SUCH A CAMPAIGN."

(b) An accurate marriage register in the prescribed form to be kept through an administrative department of the Government, containing details of age, etc.; and to facilitate this, compulsory notification of marriages to a prescribed Local Authority by the parties or their guardians, personally or through authorized agents.

(c) Universal compulsory notification of births, including the child's name, sex, etc.

(d) Birth certificates and marriage certificates to be issued free of cost to the parties concerned.

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(e) The employment of women police, women jurors and assessors, and medical women, in the investigation of sexual offences. Where women police are not available, the use of respectable women of the locality to escort girls and be present during investigations. The provision of separate women's waiting-rooms at all court houses, etc.

The common sense of these recommendations is obvious. They are all based on the evidence before the Committee of the reasons for the futility of previous attempts to regulate age of consent. How can offences against the law be proved unless the age of the victims is known? (This, however, only applies to border-line cases. In a large proportion the girls are so piteously young that no doubt can arise.) How overcome the sensitiveness of shy secluded Indians girls and their mothers, except by using women in the delicate inquiries? Most important of all, how remedy the ignorance of the law, which the Committee found to be known only to "a few educated persons," unless by taking ample steps to ensure publicity for its provisions? Yet, so far as I have been able to ascertain, not one of these recommendations has been carried into effect, or even attempted to be carried into effect, either by the Central Government or by any of the Provincial Governments. Thirteen Parliamentary questions, beginning just before the Act was due to take effect and spread over three and a half years, brought me always the information that the Indian Governments were considering the matter, and finally, on Decem-

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ber 18, 1933 (Hansard, p. 896), that they would "take such action as may appear to them practicable, but for various reasons most of the specific proposals are in present conditions not practicable." As to education, "there is a concensus of opinion that educative propaganda regarding the evils of child marriage is desirable, but a general agreement that such propaganda is best left to non-official agencies"—agencies, that is, which over a large part of the surface of India simply do not exist. So that after this lengthy interval these Governments have at last decided that they can do nothing, in effect nothing, either to enforce or to persuade the people voluntarily to comply with an Act to which they promised their "strongest support."

One thing only they appear to have done—resisted attempts to rescind or further emasculate the Act. Several Bills designed to achieve this object, as, for example, by allowing exemption to anyone who could show conscientious motives or family reasons for ignoring it, have been introduced. But these appear to have made no progress, presumably from lack of official support.

In the spring of 1932 I spent two months in India, visiting the capitals of all the provinces except Assam, chiefly to gather information concerning the franchise question. But I took the opportunity of discussing the Sarda Act with many people—members of Governments and legislative bodies, officials, leading social workers. It would be unfair to stress the negative result of inquiries made without notice and in the course of conversations devoted to other issues. But

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I certainly found no trace anywhere of that anxious inquiry and consultation as to how the Sarda Act could be made effective, whether by improvements in administration and legal machinery or by educational propaganda and publicity, which I had imagined must inevitably have followed the scorching exposures of the *Joshi Report*. Yet an impartial observer, Mr. Edward Thompson, who cannot be accused of hostility to the present administration, says:—

“Nothing of recent years has more enhanced the Government’s prestige than the Sarda Act raising the marriage age. Government would not lose in any single respect even if it enforced the Act.”<sup>1</sup>

This concludes, up till November 1933, the sorry tale of legislative efforts to end the hideous evil of child marriage—efforts well intentioned, but backed by what quality and quantity of thought and study, imagination and sympathy, courage and determination, those who have followed the recital must judge for themselves.

It may be said that the chief onus of blame must rest on Indians themselves; that, after all, it is their countrywomen, their wives, daughters, and sisters who are suffering these cruel things; that it was the opposition of their orthodox leaders and communities that intimidated the Government into its attitude of caution and passivity; that it was for the Indian social reformers who demanded and agitated for the Act to

<sup>1</sup> *A Letter from India*, by Edward Thompson. Faber and Faber, 1932.

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see that it did not pass in an unworkable form, and that it was for Indian social organizations to do the work of education and enforcement; and that—except to so small an extent as makes no matter—this duty has remained unperformed. It may be said also in extenuation of the fiasco that in other countries collective responsibility for social conditions has only begun to be fully recognized since the Great War, and that in India the post-war period has been one of transition and of great difficulty for rulers and ruled alike. The working, or obstructing, of the Montagu-Chelmsford Reforms, the endless consultations concerning further constitutional advance, the combating or the practice of civil disobedience, these are the problems that have absorbed the most active minds and the most influential personalities on either side. Little has been left for social reform but the distracted and momentary attention of preoccupied and jaded minds.

Just a century before the Sarda Act, in 1829, Lord William Bentinck, as Governor-General, put an end to suttee by issuing a decree for its immediate suppression. This, as is well known, was successful, not completely, for such cases continued to occur in steadily decreasing numbers and occur occasionally even to this day, but to such an extent that one learned Judge was able to declare that "the regulation of 1829 seems to have had immediate effect, and the practice was almost completely stamped out."<sup>1</sup> But it is less well known that Lord William Bentinck's action was taken

<sup>1</sup> Edward Thompson's *Suttee*, p. 118. (George Allen & Unwin.)

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in defiance of nearly all official advisers. Even Rammohan Roy, the chief Indian protagonist of abolition, thought the step premature. And only three years before the decree the previous Governor-General, Lord Amherst, spoke as follows:—

“But, after all, I must frankly confess, though at the risk of being considered insensible to the enormity of the evil, that I am inclined to recommend our trusting to the progress now making in the diffusion of knowledge amongst the natives for the gradual suppression of this detestable superstition. I cannot believe it possible that the burning or burying alive of widows will long survive the advancement which every year brings with it in useful and rational learning.”<sup>1</sup>

There is a remarkable similarity between the attitude of Lord Amherst and that of recent Indian Governments in matters of social reform. Compare the speech of the late Sir Alexander Muddiman, speaking on the Sarda Bill in the Legislative Assembly in 1925:—

“Coming as I do from a province where the enactment of the Age of Consent Act in the year 1891 lead to an agitation of an exceedingly serious character against the Government, I am greatly impressed by the need for caution. . . . I am not one of those who desire to take the position that the Government should not do anything in social reform. But it is a matter on which we must have

<sup>1</sup> Quoted by Edward Thompson, *Suttee*, p. 70.

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a clear lead from the people themselves. I would rather—perhaps I am old-fashioned—I would rather be charged with going too slowly in this matter than take risks which necessarily follow legislation in advance of general social opinion in the country. About the evil which the Honourable Member who introduced this Bill has attacked, there can be no possible doubt. He is moving against what I consider to be one of the most detrimental influences on the future development of the country. Let me warn him, however, that he will not take the people with him if he goes too far or too fast. If he does not take the people with him, moreover, I know well that the odium of the enactment will fall not on him but on the Executive Government, and that must be a reason why we should observe a considerable amount of caution in the matter.”

Risks, odium! Have the Government of India ever hesitated to incur these things when they thought the object worth it? And when did any object better justify the incurring of them than the saving of innumerable young girls from agonizing deaths and the cutting out of a cancer that is undermining the vitality of a whole people? But let it be granted that risks should not be taken in the spirit that first promises “the strongest support” of Government to an Act and then, when it is on the Statute Book, succumbs to the opposition of ignorant, misguided people without a struggle and so completely that it will not even encourage its own officials to enforce the Act or even

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to explain and defend its provisions. In the present century there have been many reincarnations of the spirit of Lord Amherst, but no second Lord William Bentinck seems ever to have revisited India!

Will it be any different in the future? I should feel more confidence in the answer if the attitude of those who exercise the greatest influence in the matter seemed less complacently self-satisfied, less willing to shift blame for the past and responsibility for the future on to other shoulders, more willing to join—as well they might—in a general confession that in the matter of child marriage we have all “left undone those things which we ought to have done, and done those things which we ought not to have done.”

But much will depend on considerations which are set forth in the following chapter.

N.B.—Readers who want short cuts may here skip to page 76. But if they do so they will miss some interesting new material bearing on the general problems of India’s population as well as on child marriage.

## NOTES FROM THE CENSUS REPORT OF 1931

IT is a pity that the unwieldy form and high price of the Census reports make them inaccessible to all but a few. Or, perhaps, from the official point of view, it is not a pity. For though the bulky volumes make fascinating reading for those of us who like studying facts in the raw and in the mass, instead of samples selected and dressed up to suit the narrator's purpose, they do not make cheerful reading. One cannot imagine returned Viceroys, I.C.S. men, India Office men, taking down the volumes from the shelf in the Sabbath of their days when they rest from their labours, and saying proudly to themselves: "And that is the India that I helped to make. And God saw that it was good." Hence the Government is perhaps wise in issuing its esoteric writings in as unattractive an outward form as possible, so that few but the initiated will be tempted to read.

Here are a few notes, selected but not dressed up, bearing specially on my subject:—

### INCREASE IN NUMBERS OF CHILD WIVES AND WIDOWS (ALL INDIA)

		1921		1931	
		Wives	Widows	Wives	Widows
0-1	..	9,066	759	44,082	1,515
1-5	..	209,397	14,380	757,770	29,365
5-10	..	2,016,687	102,293	4,300,534	105,482
10-15	..	6,930,907	379,124	7,269,208	185,399
Total under 15		<u>8,565,357</u>	<u>396,556</u>	<u>12,971,594</u>	<u>321,791</u>
Total population		318,942,480		352,897,778	

#### THE CENSUS REPORT

In certain provinces the increase in child marriage among Muslims is startling, while for all India the proportion of wives under fifteen in their community now exceeds that of any other. Thus the Census Report for Assam says: "The Muslims have now far the largest proportion of child-wives in all the early age-groups." That for Bihar and Orissa says: "Taking the province as a whole, whereas the proportion of Hindu girl-wives (including widows) below the age of ten has increased since 1921 from 105 to 160, among Muslims it has increased from 76 to 202." The same Report shows a similar increase in the custom in primitive tribes; i.e. married or widowed girls under ten have increased from 13 to 57 and boy husbands under ten from 9 to 37 per thousand.

This is only one indication that it is not only among Muslims and not only with respect to infant marriage that this cautious utterance of one Census Superintendent holds good: "It is also probable that through close association with their Hindu neighbours they" (that is, Muslims) "are gradually assimilating more and more the social customs of the major community" (Vol. I, Part I, p. 230). If Muslims have acquired child marriage from their Hindu neighbours, they have communicated to them and other communities the sister evil of purdah. And the same tendency to acquire the bad rather than the good in social customs may be seen in the abandonment by a large proportion of Muslims in the Punjab of the just laws concerning women's rights of inheritance laid down by the Prophet, in favour of the Hindu customary law,

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which excludes women from nearly everything but the bare right of maintenance.

### THE AFTERMATH OF THE SARDA ACT

"The number of married males under fifteen has risen by 51 per cent and the number of married females by 26 per cent since 1921, an increase which is undoubtedly due to the enormous number of infant marriages which took place in the six months' interval between the passing of the Sarda Act and its coming into operation" (Vol. I, Part I, p. 215).

Discussing the curious fact that whereas at all previous Census takings the number of wives shown had exceeded the number of husbands (as might be expected in a country where polygamy is practised, though not to a large extent), at this Census, 601,244 more husbands were declared than wives—the Report shows reason for believing that the unnatural excess must be ascribed chiefly to Hindus, Jains, and Muslims, and continues :—

"It is not difficult to divine the cause. In all these communities early marriage is practised, and the Sarda Act came into force a year before the Census. Although that Act has in practice been virtually a dead letter, it is certain that a considerable number of persons who have married off their children in contravention of the Act will have hesitated to state specifically that a child aged so and so (and age may be asked by the enumerator before civil

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condition) is married, knowing that such a statement will lay him open to a possibility of prosecution. Moreover, in at least one case a Brahman association had bound its members not to divulge marriages made in contravention of the new law. The fact that the number of concealments has been so much greater in the case of females than of males as to reverse the proportions of the married is the natural consequence of the fact that the bride is normally younger than the bridegroom, and the impulse to conceal the age is therefore more frequent" (p. 216).

The Census Commissioner for Madras remarks :—

"The six months' interval between the passing of the Act and its coming into force was criticized by many of my correspondents. In the words of a Brahman, it 'did havoc.' More than one Brahman correspondent has urged that the Act should be taken over, strengthened, and enforced by Government. There seems to be fairly general agreement that as a rather half-and-half effort it is not entitled to much respect" (*Madras Report*, p. 34). The Report continues to point out that the Act seems to have had some effect, that is "as an excuse for later marriage, a reason for beating down dowry claims and undoubtedly in directing a great amount of attention to marriage questions among communities and persons who had previously given them very little thought."

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The Report from the Central Provinces says likewise that among the masses the Sarda Act is "practically a dead letter." That from Bihar and Orissa points to the reason: "the majority of mofussil people are still quite in the dark about the provisions of the Sarda Act. . . . Even in towns, where people are aware of the Act, child marriage takes place without fear of prosecution under the very nose of the police and the executive." The same Report quotes the ingenuous description given by an orthodox Muslim correspondent who says: "The provisions of the Sarda Act are rendered ineffectual when one thinks of a united village harmoniously performing the marriage of an under-age couple without any impediment or hindrance. Even if there be opposition in a village, the idea of the security deposit of 100 rupees is another troublesome factor." And again: "As the prosecution under the Act depends on a complaint before the magistrate and a security deposit for the purpose, such prosecution is not feared except in the case of rivalry, private enmity, etc. When antagonism and feud exists, the Act gives an additional weapon to the litigants, and thus it has been a menace to the peace and security of the people instead of a remedy for the evil of child marriage to any considerable extent."

#### THE INCREASING SHORTAGE OF WOMEN

One of the most significant and ominous facts revealed by the Census is that the proportion of females

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to males has steadily decreased since 1901 and the reasons assigned for the shortage. The date should be noted by those who attribute every sign of deterioration in India to the political changes of the last fifteen years. The total shortage of females has now reached nearly eleven million.

"Various reasons have frequently been repeated to explain this shortage of females which is so characteristic of the population of India as compared to that of most European countries. The female infant is definitely better equipped by nature for survival than the male, but in India the advantage she has at birth is probably neutralized in infancy by comparative neglect and in adolescence by the strain of bearing children too early and too often" (Vol. I, Part I, p. 195). And again: "The practices which govern the female ratio in India, apart from possible climatic or racial factors, the nature, degree, and very existence of which are doubtful, are those relating to the care of female children and to too early and too frequent maternity" (p. 203).

Two other factors are mentioned as probable minor contributory causes. One is faulty enumeration which specially affects females, partly owing to the greater difficulty experienced by the enumerator in satisfying himself as to the existence of the female members of the family, partly from a feeling that a girl baby is scarcely worth mentioning to him. (It has been said elsewhere that in Rajputana the father of a new-born

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daughter announces to his expectant assembled friends that "nothing" has been born to him. The friends then "go away grave and quiet."<sup>1)</sup> The Report concludes, however, that "there is no reason to believe that the short enumeration of women due to this cause accounts for more than a very small part of the excess of males disclosed by the Census." The other contributory cause indicated is the caste system. Dr. Hutton, the Census Commissioner, evidently shares the view of some biologists that inbreeding favours masculinity in the sex ratio. But though these two causes may have contributed to the shortage, they cannot explain the increasing disproportion. Rather they might be expected to pull the other way, since census methods have undoubtedly improved since 1901, and caste is generally believed to be less rigidly observed.

Hence the indication of the figures is that the conditions which take toll of female lives are and have been, at least since 1901, increasing rather than decreasing in their evil potency. This again should be specially noted by those light-hearted optimists who, relying on their observation of what is happening in cities and among the Indian intelligentsia, would have us believe that child marriage, the reign of the untrained dai, and purdah are all rapidly giving way before the forces of progress.

In other respects also the revelation of the Census runs counter to widely prevalent conceptions. Those who believe that all the woes of Indian women are attributable to Hinduism, or again that they may

<sup>1</sup> Pandita Ramabai's *High-Caste Hindu Women*.

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all be set down to economic causes, are faced with the facts that the ratio of females of all ages per 1,000 males (941 for all India) is "lowest among Sikhs (782 for India as a whole); next lowest among Muslims (901); and is 951 among Hindus"; and again, that "within the Hindu community the ratio increases in inverse proportion to social position and education" (p. 200); reaching among the depressed classes the comparatively high figure of 982 (Bombay only) (p. 198). The low female ratio among Muslims is accounted for (in addition to the other causes) partly by observance of purdah, especially in the poorer classes where it entails confinement in narrow and sunless quarters; partly by the fact that the female ratio tends, possibly for climatic reasons, among all communities to be lowest in the north-west where Muslims preponderate. The lowest ratio of all is found among Rajputs. The Census Superintendent of Rajputana concludes that "deliberate infanticide seldom comes to light, but there is no doubt that unwanted females are often so neglected, especially in some clans of Rajputs, that death is the result" (Vol. I, Part I, p. 196).

Other facts and figures bear witness to the continuing and even increasing influence of adverse conditions on females when they have passed early childhood and reached the reproductive age. The Census Superintendent for the United Provinces, alluding to the curve of male and female vital statistics in his province, says that: "Nothing could demonstrate more plainly the dangers to which the women of this province

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are exposed owing to the conditions under which they bear children. . . . Here we see at once that whereas the (female) sex-ratio in death has fallen since 1921 at all other ages, it has risen at the reproductive ages of 15-30" (p. 202). And commenting on vitality statistics for India generally, the Actuary's Report annexed to the general Report says:—

"Taking female mortality as a whole, it can be stated that the deterioration which set in from 1901 onwards has not yet taken a definite turn towards improvement. Whereas in the case of males the position in 1931 with respect to vitality was such as to bring it back very nearly up to the high level reached in 1891, the female vitality, however, does not indicate any recovery of the lost ground" (Vol. I, Part I, Actuarial Report, Annexed to Chapter IV, p. 158).

It is notable that the one successful recorded effort to remedy these conditions concerns one of the States, Cochin:—

"Further, a steady rise in the age of marriage consequent on the rapid progress of female education in the State and the gradual displacement of primitive methods of midwifery by modern and scientific methods have considerably reduced the dangers which almost all women have to face, and lowered the death-rate among young mothers to an appreciable extent. The gradual rise in the sex ratio is but the natural outcome of these improved conditions" (Vol. I, Part I, p. 202),

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To Hindus, with their passionate desire for sons, and, perhaps, if the truth were known, to men everywhere, an excess of men in any community may seem, apart from the causes, a consummation devoutly to be wished. But this view must give way to a further study of the consequences as set out in this deeply interesting section of the Report. For premature maternity is plainly shown, and is, indeed, generally acknowledged, to be in a large measure responsible for the deplorably low vitality (illustrated later) of Indians generally, males as well as females. And it is further shown that premature maternity, or rather its precursor, early marriage, results from as well as causes an excess of males. When there are not enough adult brides to go round, "it becomes a necessity to secure a girl while she is still young enough not to have been snapped up by someone else" (p. 233). The shortage of suitable brides is further intensified by the prohibition of widow remarriage among orthodox Hindus. The Report shows how slowly the custom of remarriage grows, though it has long ago been legalized. Clearly the immense increase in infant wives which, as we have seen, resulted during the year's interval between the spring of 1930 and the taking of the 1931 Census in more than doubling the number of widows under five, is bound in the future to result in a vast increase in the already inordinate proportion of Hindu women who are widows (167 in every 1,000) (p. 233). If the prejudice against remarriage persists, the shortage of brides may indeed become so acute as to force its own remedy. Here and there a "growing

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consciousness of the necessity of widow remarriage" is recorded, as in several petitions presented by disgruntled bachelors in Gujarat petitioning that remarriage should be made compulsory. One reads also with grim satisfaction that in Rajputana for 256 potential bridegrooms there exist only 162 potential brides—a fitting reminder of the inconvenience of Rajput treatment of girl babies (p. 229).

On the whole, however, the impression left on the mind by these studies is that, if men ever do learn to abandon ancient customs by experience of their evil results, they learn with amazing slowness. Take, for example, the custom of giving a dowry with a daughter. One might expect that in a community where females are in a minority, polygamy permitted, and widows debarred from remarriage, the law of supply and demand would quickly result in it becoming customary for parents to receive instead of to give money compensation when parting with a daughter, as happens, in fact, in nearly all African communities where the custom of lobola or bride-price prevails in one form or another. Yet the dowry system continues to be cited as a burden on parents so heavy that even in Rajputana, where the shortage of women is greatest, the expense of it is given as the reason why the Rajput fathers' treatment of baby daughters so considerably exceeds the limits laid down in the maxim:

Thou shalt not kill, but need'st not strive  
Officially to keep alive.

And in Madras, Dr. Muthulakshmi Reddi is able to

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say to her colleagues in the Legislative Council, as though it were a matter of common knowledge, that "we know of many instances where sensitive girls burnt themselves to death with kerosene oil to save the parents the expense and annoyance of their marriage."<sup>1</sup>

### POPULATION PROBLEMS

The population statistics of the Census Report present some staggering contrasts and suggest problems which Dr. Hutton and his colleagues discuss with the frankness and readiness to admit unpleasant truths which are so attractive a feature of many Indian official reports.

On the one hand we are shown a population which in the last decade has increased by no less than 10·6 per cent—nearly double the percentage increase of the population of England and Wales in the same period—so that India, by outstripping China, has again fulfilled the saying of Herodotus that "Of all the nations that we know it is India that has the largest population" (Preface, p. xv).

On the other hand, from one of the tables of the Report we gather that of 100,000 male babies born alive in England, Japan, and India, respectively, there will survive at the end of 50 years, 59,903 Englishmen, 52,629 Japanese, but only 18,658 Indians. The corresponding numbers of female survivors will be 64,742 Englishwomen, 51,794 Japanese, and

<sup>1</sup> See full quotation on pp. 34-37.

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19,714 Indians (pp. 169-70). These figures, which surprisingly indicate slightly greater longevity for women than for men, are from life-tables some twenty to thirty years old. But it is concluded that "the expectation of life has not much altered since 1891," being now for all India "at the ages of four and five respectively, when the expectation is at its best, 36.75 for females and 38.96 for males. Attention is drawn to the superior expectation enjoyed by males" (footnote, p. 91).

Here then we see a vast increase in population despite a deplorably low vitality among the people. This suggests the alarming dimensions which the population might reach if the undermining causes were removed. Are we then to welcome the factors which make for early death? Dr. Hutton shows, I think, a justified scepticism regarding the value of efforts directed simply at keeping babies alive. To child-lovers it may seem to be—and is—a terrible thing that nearly half the babies born (at least 45,000 out of every 100,000) slip into death before they reach the age of five. It signifies an amount of suffering, physical and mental, greater than it is possible to grasp. But the remedy lies in a frank recognition of the fact that "what is really wanted is fewer babies and better ones, and it is possible that efforts should be concentrated less on infant welfare directly than on the reduction of immature maternity, on a general improvement in the standard of living and culture, and on the removal of the causes generally, rather than on the treatment of the symptoms" (p. 97).

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While recalling that "in Europe a rise in the standard of living is normally followed by a reduction in the birth-rate," and that increased intellectual activity operates in the same way, Dr. Hutton declares it to be the general opinion of Indian economists—an opinion which he obviously shares—that the best hope for an effective check on over-population lies in the widespread adoption of methods of birth-control. Difficult as this may be to achieve in a land where propagation of male offspring is considered by the majority of the people to be a religious duty, a movement in that direction is said to have begun and to be "less hampered by misplaced prudery than in countries which claim to be more civilized." A Neo-Malthusian League has been set up in Madras "with two Maharajas, three High Court Judges, and four or five men very prominent in public life as its sponsors." In Mysore the Government in 1930 sanctioned the establishment of birth-control clinics in the four principal hospitals of the State. Dr. Hutton suggests that this example might be followed in British India, and that, "if the luxury of baby-weeks be permitted, they should at least be accompanied by instruction in birth-control" (p. 32). One may add that at the meetings of the All-India Women's Conference, the largest body of organized women in India, resolutions demanding instruction in birth-control through Public Health Centres have become a regular feature.

One conclusion that can be drawn from all these notes is that of all the problems that await the new rulers of India, none more vitally affects the welfare

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of all India, not merely of its women, than the problem of how to bring about radical reforms in the conditions under which its future citizens will be conceived, born, and reared. To say that the problem cannot be solved without the co-operation of women is a platitude. It is probably true to say that it will not, in fact, be solved unless women are in a position to take the lead in initiating, pressing upon the legislatures, and enforcing upon the administration reforms which affect them—not indeed alone—but far more directly and in respect of a greater portion of their lives than they affect men.

It is significant how in India this truth is forced home upon men who cannot be suspected of feminist bias, so that we find the Census Superintendent of Bengal—like the Simon Commission (see p. 90) and the Public Health Commissioner (see p. 123)—turning to the women's movement as the last hope for the solution of problems otherwise seemingly insoluble and declaring that a decrease in the birth-rate can only be brought about by improvements in public health measures, in the standard of living, and in education, “and perhaps principally by a further emancipation of women and by their introduction to spheres of usefulness and activity from which they are now in Bengal generally debarred” (*Bengal Report*, p. 43).

The question which now faces us is: “Will women be so admitted, not—as hitherto—in negligible numbers, as a gesture, just to show the world how enlightened are the men of India and their rulers, but in

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sufficient numbers to make their weight effective?" Even now the answer is shaping itself in documents which fly between the offices of Whitehall, Delhi, and the provincial capitals. Soon it will be decided, and with it perhaps the fate of how many lives!

## CHAPTER III

### FUTURE REMEDIES:

#### I. THROUGH WOMEN'S PART IN THE NEW CONSTITUTION

THE component factors of the situation as we now see it are a weak Sarda Act, "practically a dead letter," except for such slight warning influence as it exerts on a few law-respecting souls; a Central Government and Assembly too much absorbed in other matters and too much intimidated by opposing forces to amend the Act; Provincial Governments and Legislatures unwilling for the same reasons to put into force the administrative measures that might help to secure its partial success. Meantime the Indian Minotaur sits unscathed in his fortress, gorged with his huge meal of some five million girls and boys delivered over to him during that fatal October to April of 1929-30, but still receiving his annual toll.<sup>1</sup>

What can be done about it? Let us approach the problem in a spirit of realism, not battering our heads against stone walls, but seeing how we can walk round, climb over, or tunnel under them.

I have set out on page 51 the three amendments to the Act that seem to me, after consultation with

<sup>1</sup> Some give it as one reason for the few prosecutions under the Sarda Act that marriages have been relatively few, every available infant in orthodox families having already been handed into polygamy during the six months.

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others of much greater experience, to be really feasible, without asking the authorities to take risks that they may reasonably shun. But, again after consultation with those who have greater knowledge of the political situation, I feel little hope that any amending Bill will receive the necessary support of the Government until the opinion of a wider public than now cares is roused to demand it. I have suggestions to make as to how this may be effected. But it may be a slow task, and meantime there is a measure of immediate urgency on which, more than on any other, the future fate of Indian women in this and in many other respects will probably depend. It is to give women themselves the constitutional means, through their status in the new Constitution, of freeing themselves from the evils from which we have so signally failed to free them.

As I write, the work of the Joint Select Committee on Indian Constitutional Reform is winding to its close. It is expected to report before Easter; within two years at most the new constitution of India is likely to be on the Statute Book. The future then passes into the hands of new governments and legislatures responsible to new and untried electorates. Governments, legislatures, electorates, composed of whom? Hitherto, authority in India has been practically an all-male authority. A handful of women assigned to special jobs in hospitals, schools, colleges, inspectorates—scarcely a single woman anywhere, in any department,<sup>1</sup> with

<sup>1</sup> Save possibly in the Departments of Education, where, I believe, there is in several provinces a woman director in a position to perform the above functions.

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authority to survey and report generally on the needs of her sex within that department; in most Provincial Councils one woman, seldom two, nominated by the Government; none in the Legislative Assembly of the Centre, though the Viceroy could have nominated women; a sprinkling of women on municipal and other minor local bodies; a negligible fraction of women voters (less than one woman to twenty men) in an electorate itself narrowly restricted. That is the extent to which women, fortified by any recognized status or authority, have so far been called to help in the solution of problems and unparalleled difficulties affecting the lives, health, and happiness of millions of women, many of whom may not even see or speak to or even have their names mentioned to a man outside their immediate family.

Is there not a case for changing all this in the new and changed Constitution? There is indeed a case, so strong that practically every commission, committee, and conference that has considered the constitutional problem has included a strong recommendation for an enlarged women's electorate. The Simon Commission—whose report has now been erected into a kind of Ark of the Covenant by the most conservative section of British opinion—on this subject went farther than any other. Recognizing that in a country where the great majority of women own no possessions except what they wear on their persons, no lowering of the property qualification would meet the case, the report suggested that, in addition to women qualified by the same property or educational qualifications as those

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proposed for men, the wives and widows of non-propertied voters should be placed on the register, but at the age of twenty-five instead of the usual qualifying age of twenty-one. This proposal—somewhat similar to that applied to British women from 1918 to 1928—would result in an electorate of at least half as many women as men, probably more.

The Lothian Committee, after six months' investigation on the spot, recommended considerable extensions of the franchise for both the Central and Provincial Legislatures, such as to yield for the Central Lower Chamber an electorate of about 3·3 per cent of the total population, for the Provincial Assemblies about 14·1 per cent. For women, they proposed qualifications calculated to result in a ratio of about one woman voter to four and a half men. For the Central Legislature, this was effected by recommending that, in addition to women possessing the property qualification proposed for men, women who satisfied a simple test of literacy (i.e. ability to read and write their own language) should be placed on the register before the first election, but that subsequent additions to the roll must have achieved upper primary school standard. For men, the educational qualification proposed was matriculation or school-leaving standard. As to the Provincial Legislatures, in addition to women qualified by their own property or by the literacy test, it was proposed to register the wives—not of all men-propertied voters, as in the Simon proposals—but of men possessing the higher property qualification demanded of Assembly voters. The condition of eligibility for both

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Central and Provincial Legislatures was to be the same for both sexes, but in view of the small chance that at present women would, except rarely, be successful in open contests, it was proposed to reserve for women a certain number of special seats in the several legislatures.

The White Paper proposals, which outwardly followed the main lines of the Lothian Report, inserted two changes which would in fact deprive them of much of their value. The first was to make the educational test the same for both sexes, namely, matriculation or school-leaving certificate for the Central Assembly and for all the Provincial Legislatures except Madras, where simple literacy was accepted. The second change was to require the women qualified in respect of their husbands' qualification to make application for their votes, at least at the first election. These wife voters form about two-thirds of the proposed female electorate.

The White Paper admits that in the case of the electorate for the Centre, its proposals would yield a ratio of women voters no better than the present "less than one woman to twenty men." For the provinces, the ratio would be potentially one woman to seven men, but actually as much less as may result from the condition concerning application. In view of all the obstacles to the fulfilment of this condition—ignorance among women that it exists, illiteracy, long distances, purdah, etc.—many competent judges consider that this condition, combined with the other change, may, if it is insisted on, result in cutting down the women's vote to something little better than its present negligible proportions. The dropping of the literacy qualification

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is specially regretted by those who saw in it a means of securing a gradual automatic increase in electoral strength as women become more educated, and also an incentive to all sections of opinion in India to extend elementary education among their womenfolk, and so improve their voting strength. The imposition of so high a test as matriculation cannot have a corresponding result; nor is it perhaps desirable that it should, since it is generally admitted that too high a proportion of educational effort in India has been directed to higher education as compared with elementary and vocational instruction. To lay it down that a girl who has matriculated is judged by the State as worthy of a vote, but not so one who has sought proficiency in housewifery, midwifery, child welfare, etc., seems likely only to encourage false standards of value in girls and in their parents. The Lothian proposal to differentiate between men and women in the matter of educational qualification is amply justified by the grossly inadequate share of educational opportunities hitherto offered to girls by the Provincial Governments and elected bodies. The policy of these was described by Sir Philip Hartog as in effect: "Spend everything you reasonably can on the boys, and if anything is left, spend it on the girls," and it has resulted in less than a seventh of the money available for education being spent on the girls.<sup>1</sup>

The White Paper proposals are, of course, only provisional. They are now under consideration by the Joint Select Committee and by the Government.

<sup>1</sup> *Evidence before the Joint Select Committee on Indian Constitutional Reform, 1933*, No. C1, p. 9.

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Whatever these may propose, it is unlikely that Parliament will make many changes in proposals so complicated and technical as those affecting the franchise of far-away India, though even that hope must not be abandoned if others fail us. In the interval before the reporting of the Committee there is then an opportunity—quickly passing, and for British men and women never to recur—for those to make their influence felt who believe that the best hope for remedying the gigantic evils described in this book lies in the influence of women themselves. If that can be mobilized and brought to bear with sufficient weight on candidates, elected bodies, and administrators, it may bring about that ripening of public opinion the lack of which has frustrated every previous effort at reform. But without being cynics, we must admit that Governments and elected bodies everywhere, and not least in India, are apt to pay regard less to the real quality and quantity of public opinion than to its power of making itself effectively disagreeable if disregarded. There are constitutional and also unconstitutional ways of making oneself disagreeable to authority. If the women of India are not to be driven to the adoption of such methods as British women in the pre-war decade and the Congress movement in India have adopted to force attention to their grievances, they must be adequately provided with the constitutional means of protest.

For this purpose a voting strength of a twentieth or even an eighth of the electorate is too small to be effective. The future Indian administrations will be very poor and beset by many vociferous claimants.

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To whom will they listen—to men who have nineteen-twentieths or seven-eighths of the electors behind them and most of the education, money, and organizing experience, or to women who have the measure of strength represented by the White Paper proposals? No doubt Indian women will have the support of many enlightened men. But public men are naturally responsive chiefly to the needs of their own constituents and of those whose grievances are constantly before their eyes. One might suppose that it would have been agitation among British working men that led to such reforms in this country as widows' pensions, maternity benefit, separation and maintenance for ill-treated wives, etc. But in fact it was women of all classes who led the agitation for these reforms, and since women became a substantial part of the electorate the pace of advance has enormously quickened. It was noted in evidence before the Joint Select Committee that in Great Britain during the first eighteen years of this century only four Acts were passed relating specially to the position of women; during the first nine years following their enfranchisement some twenty such Acts were passed. It is sometimes said that ignorance, superstition, and priestly influence make of Indian women themselves a reactionary force. To some extent, and especially among the older women, this may be true. But it is contrary to human nature and common sense to suppose that women who day by day suffer themselves and see their children suffer from the cruel evils discussed in this book will long neglect to use the constitutional means of remedying them, if they are

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given the chance. Further, as every experienced politician knows, the opinion to which Parliaments and Governments yield is usually that, not of the inert and inarticulate mass, but of the organized who speak on their behalf. So far as women's opinion in India is articulate, it is universally on the side of social reform. Every travelling commission and committee has borne witness to this. The Joshi Committee testified that the evidence given by women in every province was strongly against child marriage. Similarly, the Indian Franchise Committee testified that "in every province women, including some in strict purdah, came forward as witnesses, either representing organizations or individually, asking for an extension of the franchise, while there has been no expression of opinion to the contrary, written or oral, from the women themselves."

Indeed, on the political issue, Indian women have shown themselves more uncompromising than those British women who have been fighting on their behalf have thought it wise to be. A British Committee for Indian Women's Franchise, to which most of the large women's organizations are affiliated, formed when the White Paper was issued to try to secure improvements in its proposals, has been steadily working to secure a return to the Lothian Committee's proposals, or such alternatives as would secure at least that Committee's proposed ratio of one woman to four and a half male voters. Some sections of Indian women take the same line; but their largest organization—the All-India Women's Conference—has gone all out for complete adult franchise, or, failing that, adult franchise in urban

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districts, with no special qualification for wives and, above all, no reservation of seats to be filled on a communal basis. The members of the Indian women's movement, in which the Simon Commission saw a possible future "key of progress" for India, pride themselves above all on having kept free from the evil of communalism. As, however, the allocation of the women's reserved seats among the different communities formed part of the Prime Minister's Communal Award, announced in the summer of 1932 after the failure of the Indians to come to an agreement on the subject, there does not seem much probability of concessions on this point, although on the question as to how these seats should be filled—whether by separate or joint electorates—the Government does not appear to have finally committed itself. As to the importance of securing an adequate measure of franchise, there is no difference of opinion among Indian or British women so far as either have declared themselves. Witnesses have appeared before the Joint Select Committee, and memoranda and resolutions have been poured in upon it representing the views of many different sections of women's opinion, but all agreeing both as to the necessity for an adequate franchise and in the belief that nothing less than the ratio of one woman to four and a half men proposed by the Lothian Committee can be considered adequate, even as a temporary measure. All these attach special importance to the literacy qualification, less for its immediate result in numbers, which would be inconsiderable, than as a provision for future increase.

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Sharply as conservative opinion is divided in this country on the Indian question, on this aspect of it there seems no reason for division. Those who follow Mr. Churchill condemn the extent of constitutional advance proposed by the Government. But with few exceptions they are willing to go as far as the proposals of the Simon Commission (except in respect to the transfer of "law and order"); and on the women's question, as already mentioned,<sup>1</sup> the Simon Commission suggested a wider extension of the franchise, and spoke out as decidedly as any succeeding body. It may indeed be claimed that the facts and arguments set out in this book should make a special appeal to those whose objections to the White Paper are based on their belief in British trusteeship for the Indian masses and their disbelief in the present fitness of Indian administrations to do justice to these masses. To those who take this view, democratic institutions for India may seem a mistake, paternal government far preferable. But at least let them see to it that, if they are beaten in the main issue, the democratic institutions they deplore shall include full representation for the oppressed as well as for the oppressors. Otherwise they may find that in their efforts to stop the launching of a ship they think unseaworthy, the only thing they have succeeded in stopping is a proper provision of life-belts.

On the other hand, those who believe (as I do myself) in the necessity for a constitutional advance on the scale contemplated by the Government, and also

<sup>1</sup> See p. 78.

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those who would go even further than that, are even more bound to recognize the gravity of their responsibility for those whose destinies they are about to hand over. There is much vague talk about "self-government" for India. But India contains 353 million individuals. An electoral system falling short of adult suffrage can only be described as self-government if the enfranchised sections are so selected as to secure fair representation of the interests of the unenfranchised. The Government considers it possible to go beyond the measure of advance recommended by the Simon Commission because of the discovered willingness of the Princes of Indian States to enter into a federal system. The adhesion of the Princes and their declared loyalty to the British connexion may be a safeguard for British interests. But is there anything in the past record either of the Princes or of the mass of Indian men of the better-to-do classes, who will be the chief recipients of political power, that assures us that here are people to whom we may safely entrust the future of the women of India, confident that they will do their utmost to rescue women from the frightful evils that oppress them, and that, fortified only by such meagre help from the women themselves as the White Paper proposals permit them to render, they will succeed where we have failed?

Before accepting this position, let it be remembered that, for British people at least, it is a choice once for all. The Secretary of State plainly indicated to the Joint Select Committee that, in his opinion, future extensions of the franchise should be left entirely to

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Indian legislatures, subject only to a right reserved to Parliament to interfere "if satisfied that the Federal Legislature and the Provincial Legislatures are not carrying out their duties fairly."<sup>1</sup> Such a right is obviously very unlikely to be exercised, and is a very much weaker safeguard for the unenfranchised than the proposal of the Simon Commission, that after fifteen years a Franchise Commission should review the progress made "so that the transferred powers may not remain in the hands of an oligarchy."<sup>2</sup> But even if this wiser proposal is adopted, it will be impossible to redeem for women the lost ground if their needs have been left out of account during the early formative years of the new Constitution. Claims will have been pegged out; vested interests will have grown up; women will find themselves still in the old position of eating up the scraps that are left after masculine appetites have been satisfied. Besides, the evils from which Indian women suffer, especially that of child marriage, are too cruel and too devastating in their effects on the vitality of the race for us to be satisfied that for fifteen more years they should go on unchecked because reformers have not behind them the driving force which only women themselves are likely to supply. The time to act is now, while the Constitution of India is being rebuilt from its foundations. I suggest that all who share this view should give effect to it through all the usual means of Parliamentary pressure —by individual letters and resolutions from all kinds

<sup>1</sup> *Evidence before the Joint Select Committee*, No. 20, p. 817.

<sup>2</sup> *Report of the Simon Commission*, Vol. II, p. 94, par. 109.

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of organized bodies, sent to the Chairman of the Joint Select Committee on Indian Constitutional Reform and to the Parliamentary representatives of those who take action, urging that the measure of enfranchisement granted to women should at any rate be not less than the one woman voter to four and a half men voters proposed by the Lothian Franchise Committee.

## OFFICIAL EXPRESSION OF OPINION ON WOMEN'S FRANCHISE

### THE SIMON COMMISSION

"We desire to see a substantial increase in the present ratio of women to men voters. If this is not effected now, the situation will later on be reached when so large a proportion of adult men are on the register, and so few women, that a further extension to bring the number of women voters more nearly to an equality (even if the Provincial Councils as then constituted proposed it) would necessitate the sudden admission of vast numbers of women with hardly any increase in the number of men. It is far better to proceed gradually and steadily, and a further step in developing women's suffrage in India should be taken now. Some qualification other than the present one is needed, and it is very difficult to suggest the most satisfactory method. It may perhaps be found possible to add to the present qualification two others, viz. (1) being the wife, over twenty-five years of age, of a man who has a property qualification to vote, and (2) being a widow over that age, whose husband at the time of his death was so qualified. In addition, the educational qualification should apply to women over twenty-one as well as to men. Many will be disposed to say that Indian wives and widows are so largely uneducated or living in seclusion that their enfranchisement to this extent is premature and extravagant. *We do not think so.* The beginning of a movement among certain Indian

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women, however comparatively few in number they may yet be, to grapple with problems which specially affect home and health and children is one of the most encouraging signs of Indian progress, and we believe that the movement would be strengthened by increasing the influence of women at elections."

*Report of the Indian Statutory Commission, Vol. II, p. 93.*

## SPEECH DELIVERED BY HIS MAJESTY THE KING-EMPEROR TO THE ROUND TABLE CONFERENCE, NOVEMBER 12, 1930

"The material conditions which surround the lives of My subjects in India affect Me nearly, and will be ever present in your thoughts during your forthcoming deliberations. I have also in mind the just claims of majorities and minorities, of men and women, of town-dwellers and tillers of the soil, of landlords and tenants, of the strong and the weak, of the rich and the poor, of the races, castes, and creeds of which the body politic is composed. For these things I care deeply. I cannot doubt that the true foundation of self-government is in the fusion of such divergent claims into mutual obligations and in their recognition and fulfilment."

*Report of 1930-31 Conference, pp. 15-16.*

## THE ROUND TABLE CONFERENCE

"No system of franchise can be considered as satisfactory or as likely to lead to good government where such a great disparity exists between the voting strength

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of the two sexes. We do not anticipate that the recommendations we have already made will reduce the disparity, nor do we think that they provide sufficiently for the enfranchisement of women. We therefore agree that special qualifications should be prescribed for women."

*Report of 1930-31 Conference*, p. 58.

#### PRIME MINISTER'S INSTRUCTIONS TO THE INDIAN FRANCHISE COMMITTEE (LOTHIAN COMMITTEE)

"His Majesty's Government attach special importance to the question of securing a more adequate enfranchisement of women than the existing system which applies to women the same qualifications as to men, and has produced a women's electorate numbering less than one-twentieth of the total male electorate."

*Report of Indian Franchise Committee*, p. 81.

#### THE LOTHIAN FRANCHISE COMMITTEE

"Theoretic equality under a restricted franchise means in practice extreme inequality."

*Report of the Indian Franchise Committee*, p. 82.

#### THE WHITE PAPER

"His Majesty's Government fully appreciate the importance of a large women's electorate for the Federal Assembly."

p. 12.

"His Majesty's Government are very anxious to

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secure that the proportion of women electors should be adequate and further consideration of the above arrangements may be necessary."

p. 94. (The reference here is to the conditions attached to the provincial franchise.)

So it is still ~~not~~ too late!

## CHAPTER IV

### FUTURE REMEDIES:

#### II. THROUGH THE EDUCATION OF PUBLIC OPINION BY METHODS OLD AND NEW

I HAVE described the causes which, by general admission, have led to the almost complete failure of the Sarda Act and of previous efforts to control child marriage. But the root cause of all these specific reasons for failure is plainly this: that there have not been people in sufficient numbers caring sufficiently to insist that "this thing must stop," and to back their resolution by the kind of prolonged, well-thought-out, extensive and intensive effort which, as every experienced reformer knows, alone suffices to bring about the destruction of any evil which is deeply rooted in the customs of great masses of people.

One method of supplying that lack is to bring women in large numbers into the political arena. But that, though the most effective and immediate step to be taken, is not the only step, nor would it by itself suffice. Opinion among women is more readily responsive on this subject than among men, but among both it needs to be educated and mobilized before it will be effective.

It is necessary on this subject to be both frank and fair. I can find no justification myself for the view put forward by Miss Mayo in the sequel volume to her *Mother India*,<sup>1</sup> that the Sarda Act was a calculated

<sup>1</sup> *Volume II*, Jonathan Cape, 1931.

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fiasco, designed by Hindu nationalists simply to placate Western opinion. As I have tried to show, the Government of India must take its full share of responsibility for the feeble and unworkable form in which the Act was allowed to pass, and they have steadily opposed every subsequent attempt to either amend, end, or further weaken it. There is no indication in the debates on the Bill that any section of the Assembly—certainly not the official *bloc*, certainly not the Muslims—were willing to go further than the Hindus. All sections alike, excepting the representatives of orthodox opposition, showed what is to me an evidently sincere horror and concern at the revelations of the *Joshi Report* and desire to do something; but also a lack of the steely determination that alone could have made that something effective. Their emotions were a summer thunderstorm which, having shot its futile bolt, cleared away and left the Government, the Assembly, and its members free to pursue the objects for which their masculine selves and their masculine supporters really and permanently care. But since thunderstorms are unpleasant and nobody cares to be reminded of sufferings which their own ill-directed efforts have done nothing to relieve and something to aggravate, most of these persons have shown some skill ever since in evading the subject of child marriage and of the Sarda Act. When it is unkindly pressed upon them, they murmur uneasily that “public opinion is not ripe.” What are they doing; what is anybody doing to ripen it?

It is hard for an outsider in England to answer

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certainly. But as the Government has practically admitted (see p. 53), the answer is that Governments and elected bodies are doing nothing, absolutely nothing, except to warn their servants off the "delicate question." When in Calcutta in 1932, I was invited to broadcast a simple talk on the franchise during the women's hour. This hour, it was explained, was among the most popular of the day's programme, and the talks, translated into the vernacular by a clever Bengali, an excellent medium of popular education. But the Sarda Act was specially mentioned as an example of the kind of controversial subject which must be avoided. The broadcasting station is largely subsidized by the Government. A strange situation, surely, when an Act already on the Statute Book, with Government's full approval, may not be explained to those whom it vitally concerns through one of the few semi-Governmental mediums available (where it exists) for reaching secluded women! A still more recent visitor to India, specially concerned to investigate the subject, reports a general atmosphere of apathy and pessimism even among social workers about the Sarda Act: "Unfortunately, public opinion is not strong enough." Again, what are they doing to strengthen it?

Small efforts here and there are recorded. Occasionally, as mentioned before, a reforming society has interfered to prevent or prosecute the promoters of a marriage in contravention of the Act. At conferences of women's organizations resolutions on the subject are a regular feature. In a few towns

the women's societies have set up Sarda Committees which undertake to prosecute themselves or to find the necessary security of 100 rupees in suitable cases. A well-directed effort of the kind occurred in 1932 when I was in Bombay. A society of Indian women in a neighbouring town, after waiting for two cases where the brides were so young that there could be no doubt, lodged their information and their security. In the interval before the case was heard the priests of the district took fright and declined to perform any more child marriages till the result was known. Fortunately, the delay carried them into a period when marriages were considered inauspicious, so that the ladies reckoned that they had rescued from premature matrimony several score of little girls for that year at least. Such efforts are well worth while, since every individual life is an end in itself. But as a contribution towards the whole problem, their extent can be measured by the figures already given: 473 prosecutions under the Sarda Act in two and a quarter years, only 167 of them successful; and against that over 6 million more child husbands and wives in 1931 than in 1921.

Obviously, a much bigger and better co-ordination of machinery and effort is needed, and behind that machinery a driving power of human wills which, as compared to anything now exerted, shall be as a central power station to the pair of hands behind a baby's pram.

We need not despair. Those who most dislike the aims or methods or both of the non-co-operation movement in India must admit that at least they have

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revealed in Indian men and women a capacity for ingeniously devised, sustained, and self-sacrificing effort for a common cause sufficient to secure the success of any cause well enough based on the realities of human needs to deserve success.

First, as to machinery: I suggest ~~with~~ deference that there should be set up an organization called the All-India Society for the Abolition of Child Marriage—or some such title—with a branch in every provincial capital and a committee or local correspondent in any other centre where suitable individuals can be found to serve. This organization should have the threefold object of educating opinion as to the evils of child marriage; enforcing the Sarda Act as far as possible; and working to strengthen it by amendment. The central committee at Delhi and also the branch committees should be mainly but not exclusively Indian, and as influential and representative as is compatible with the excluding of persons too prudent or self-regarding ever to want to do anything unpopular. In its educational work the committees would use the ordinary propaganda methods of leaflets, talks, cinema films, and (if permitted) broadcasting. Leaflets have already been drawn up, translated into various vernaculars and circulated through various missionary societies, on the initiative of a London body—the Indian Village Welfare Association. Cinema films of the simple type that can be shown after dark in the open air and explained by talks are specially suitable for village work. But clearly no educational methods are likely to extend far or fast unless local governing

bodies can be shaken out of their attitude of impassivity to the extent of admitting that, when an Act intended to safeguard the health of the people has been placed and maintained for four years on the Statute Book, it cannot be wrong to encourage their servants and bodies subsidised by them to help in explaining and enforcing its provisions in such ways as fit in with the performance of their ordinary duties. Government machinery is the only kind of machinery that does in divers ways cover the whole ground. Missionary bodies, which come next in extent, have on the whole shown a greater boldness which can be less reasonably expected of them, since they are dependent for the success of the religious work which is their main object on not running too much counter in secular matters to the prejudices of those among whom they work.

In promoting its second object, the enforcement of the Sarda Act, the society would endeavour to get round the main difficulties which have hitherto impeded its working. It would make it known that information concerning marriages performed or planned in defiance of the Act could be sent privately—even anonymously—to the nearest committee or its local correspondent. It would make private inquiries as to the genuineness of such information from such sources as were available—local officials, missionaries, doctors, teachers. If satisfied that there was a sufficient *prima facie* case, it would lay the complaint before the Court and provide the necessary security. In cases of a marriage not already accomplished, it would send or

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convey a written or verbal warning to the offenders, and, if that proved practicable, endeavour to induce the District Judge to issue an injunction forbidding it. After a successful prosecution, the committee would extend such protection as seemed possible to the girl-wife, by warning the husband's family ~~of~~ the danger of further prosecution if the marriage was consummated before the legal age; perhaps by providing safe custody for her till that age. For all these purposes it would be necessary for the society to have panels of doctors, lawyers, and women workers who would undertake to give voluntary help in the necessary inquiries and preparation of evidence.

Through these two forms of practical work the society would accumulate an amount of experience concerning the state of public opinion and the deficiencies of the Sarda Act that would place them in a very strong position for demanding and organizing agitation for its amendment.

It is easy in imagination to plan such an organization. In this country we are accustomed to see its like in working for every big reform that has captured the imagination of any large group of sensitive and lively minds—such questions as international peace and housing reform to-day, temperance and the emancipation of women before the war. Such movements, when widespread enough, make their objects "news," which forces its way in some form or another every day into every newspaper. They overcome the resistance of active and passive selfishness and force Governments to take action. In the horrible facts of

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Indian child marriage and its kindred evils lies ample material and justification enough for such a movement.

And yet—I am impelled to confess my inner conviction that it will not happen; not until and unless the Indian Minotaur meets its Theseus. In most countries, ~~and~~ in India perhaps more than most, reason is not enough; the orderly presentation of accumulated facts is not enough; even day-to-day experience of the evil and innumerable horrors such as are recounted in the nine volumes of the Joshi Committee's evidence are not enough. Just because such facts have been staring the people of India in their faces all their lives they cannot see them. It will require an eye-opener of the quality of an earthquake or a volcano to make them see them.

Where is the volcano? It may be sleeping even now in the personality of some Indian woman capable of kindling in the hearts of thousands of her countrymen and women the flame that burns in her own as she broods on these evils and of inspiring them to devote to their removal not a few idle hours in otherwise preoccupied days, but all the activities of their bodies, minds, and hearts, for months and years; if necessary, for all the years of their lives. It has been only so, in all countries and ages, that widespread, deep-rooted evils have been overcome. You cannot remove a mountain with teaspoons. Or, rather, perhaps you can, but only if the teaspoons are as many, and the hands that ply them as industrious, as the ants in a thousand ant-heaps. Indian men have pointed the way. Mr. Gandhi, though he has not forborne—what

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leader would?—the opportunity of using women when he wanted them for his own cause, has sometimes shown a certain contempt for the woman who neglects the jobs which only she can do. With masculine inconsistency—since no one has more tenaciously insisted on votes and seats for the object~~s~~ of his special care, the Untouchables—he has asked :—

“May women always throw the blame on men and salve their consciences? . . . They may fight, if they like, for votes for women. It costs neither time nor trouble. It provides them with innocent recreation. But where are the brave women who will work among the girl-wives and girl-widows, and who would take no rest and leave none for men, till girl-marriage became an impossibility?”<sup>1</sup>

And among men in official circles we find Mr. Justice Nanavutty, Judge of the Chief Court of Oudh at Lucknow, declaring that “until the women of the country take up this cause in right earnest, the generality of men, who look upon them as their playthings, will not really and seriously bestir themselves.”<sup>2</sup>

In the past there have been Indian women, such as the Rani of Jhansi in the days of the Mutiny and Pandita Ramabai in a generation only just passing away, who have shown great powers of inspiring and leading others through their own example of bravery and devotion. During recent years the bolder (or perhaps the more emotional) spirits among Indian

<sup>1</sup> *Young India*, October 7, 1926.

<sup>2</sup> *Evidence before the Jashi Committee*, Vol. IX, p. 243.

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women have mostly been drawn into the Congress movement either as active workers or as passive sympathizers. Women in their thousands, some of them emerging from purdah for the first time, have flung themselves into the movement, taken their full share in picketing shops for the sale of liquor and foreign cloth, led processions, addressed meetings, faced lathi charges, courted and endured imprisonment. The numbers sentenced for political offences or confined as political detenues in 1932 alone was 3,196. Two incidents may serve as examples of their efforts:—

"On September 9, 1930, the Legislative Assembly Elections were to take place in Bombay; the Gandhi party wanted them boycotted, as they were a form of co-operation with Government which it did not wish to tolerate at the height of the non-co-operation movement. Seventeen inches of rain fell during thirty-six hours, yet women went out in hundreds to all the polling booths to picket, despite the torrential rains. They did this so effectively that the election had to be postponed for that day. The next day they did another twelve hours' regular picketing, fresh contingents continually replacing the old in a smooth-running and perfect organization. But by now the police were ready for them, and four hundred women were arrested, only to be met with immense jubilation the moment they were released again.

"On the day of the liquor licence auction in Bombay women formed an unbroken line round

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the entire building in which it was to be held. Their boycott was so successful that Government obtained the merest fraction of former revenues. The following year the same auction was announced three times, because the bidders, remembering the previous year's experience, were afraid and did not attend. Private treaties of sales behind closed doors had at last to be resorted to, for the boycott by the women was so effective that the auction could not take place."<sup>1</sup>

Whatever we may think of the Congress movement—of its objectives or of the expediency of its methods—we cannot wonder nor wholly regret that Indian women should have made common cause with their men in a great uprising of national consciousness. The alternatives—passivity or a conflict of aims—would be a poor augury for the future co-operation of men and women in citizenship and the common affairs of life. But all the same, what an example of the queer misfit between human activities and human needs that the thing that has broken the age-long silence of the Indian woman and brought her into revolt is not her sense of the unjust laws and cruel customs which beset her own lot, but a demand for "responsibility at the centre," "Dominion status," "complete swaraj." The explanation, perhaps, is that the women who have revolted have not been those who have suffered.

Fortunately, sometimes unfortunately, qualities evolved in one kind of contest can be transferred to

<sup>1</sup> *Purdah*, by Frieda Hauswirth (Mrs. Sarangadhar Das), p. 233 (Kegan Paul, 1932).

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another. I do not suggest that the methods employed should be the same. It is indeed one of the chief causes of failure or delay in great reforming movements that those who have forged instruments suitable for use in one stage of the movement seldom perceive when the moment has come for abandoning those instruments for others, for beating swords into ploughshares or ploughshares into swords. Even those who believed in the necessity for non-co-operation in the early stages of the Indian nationalist movement have mostly come to realize how enormously the withdrawal of the more active and ardent reforming spirits from the tasks of legislation and administration has injured the working of the instalments of self-government already granted and the chance of shaping the new Constitution into forms which will really safeguard the interests of the poor and the oppressed. It would be a still greater disaster if, when the new régime begins, those women who have the qualities of leadership were to be found too much absorbed in unconstitutional or even in extra-constitutional efforts to make full use of the opportunities which it offers them to achieve their ends—assuming indeed that the opportunities offered are large enough to make usage effective. The engine of democracy can remove a mountain by tunnelling through it more effectively than a volcano which merely blows the top off. It can; but when it does not, it is either because the engine is not big enough, or because the spirit that gives it driving-force is not inside it.

Those of us who ~~perforce~~ must watch this question

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from outside, from a far-away land whose control over India's destinies has never effected her delivery and is steadily lessening, can only watch and wait to see whether among the women of India, whose noble qualities of heart and brain we have learned to admire, there will be found some to supply this driving-power. They will need powers of initiative and persistency far greater than were ever called out by the mere duplication of men's efforts for men's purposes, and they may need a courage as great. They may even find before their task is done that it has led them into strange paths and exacted a heavy price; not only in the self-dedication of years of effort, but in unpopularity and misunderstanding, the alienation of friends, and discord in families. For evils so widespread and deeply rooted in the customs of the people as this we have been considering do not, as its whole history shows, give way easily. It would indeed be rash for an outsider to express any dogmatic opinions as to the methods that should be used. The tactics and the ethics of great reforming movements always raise difficult questions, of which the solution must depend on considerations, material and psychological, which can only be rightly weighed by those in close and continuous contact with the people for whom and upon whom they have to work. But as a result of much pondering on the subject, aided by the light of a long experience of the women's movement in my own country, I venture to submit certain reflections for the consideration of Indian women.

First, then, whatever the laws of a country may be,

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no reforming methods can be justified which run counter to the moral law. We must not do evil that good may come. Under some circumstances, to disobey statutory law may be right as a means of forcing reform. But under a democracy, or even in the sort of half-way house between oligarchy and democracy which the White Paper proposals foreshadow for India, the means used to secure every reform should be within the limits of the law. If it is otherwise, the enemies of democracy will be supplied with just the excuse they want, and in these days are only too ready to take, for overthrowing democracy or refusing its further advance. Also, no one can honestly combine law-breaking with the work of making and administering laws, and the best and boldest minds among India's women will be too badly needed in the constitutional sphere for them to let themselves be deviated from that sphere.

But that does not imply that the only methods used in a great campaign against child marriage must necessarily be the ordinary humdrum methods of the politician, the research worker, the educationalist. These may together construct the engine that will tunnel through the mountain; but it is doubtful whether they can by themselves supply the spirit that will drive the engine. To fire men and women to make the effort necessary to overcome great obstacles you must kindle their imaginations, and through these their emotions. Reason makes a good steady-burning coal, but a bad kindling wood. And if that is true even in countries where everybody over ten years old can read and write, how much more true it must be in a land

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where the vast majority of the people can only be reached through the eye and the ear.

How can they be made to see and to listen? In one respect the fighters in a campaign against child marriage would have an immense advantage over most reformers. They have already the law and the opinion of most educated and all enlightened people on their side. The law is ignored or openly flouted because its opponents—reactionaries who in other respects beside child marriage would plunge India back into barbarism if they got the chance<sup>1</sup>—have been able to confront it with a dead weight of social disapproval, evoked by appeals to superstition masked as religion, and so far there has been no corresponding force on the other side. The fortress of child marriage has been easily held, because there have really been no besiegers; nothing but an occasional ball from one far-distant light cannon. But social disapproval is a weapon which both sides can use. Is it not about time that those on the other side should take the field and evince *their* social disapproval of child marriage and of all who practise or connive at it, in ways that will knock at the doors of men's minds and compel them to open and listen?

There are many possible methods. Those I am about to suggest are not original. Some are drawn from the experience of the women's suffrage campaign and of other reforming movements in this country. Some have

<sup>1</sup> See, for example, the opinions expressed by Mr. Acharaya before the Joint Select Committee on the subject of suttee—*Evidence*, No. 27, p. 1935.

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already been used in India for other purposes. They are not, I hope, the worse for that. The women's movement has always been widely internationalized, and reformers everywhere learn from each other. That a method has sometimes been used for illegal purposes is not of itself any argument against using it in the law's defence. It is a pity, as a famous evangelist used to remark, to let the devil have all the best tunes. But the ingenuity of Indian women may devise newer and better tunes; improvements on the methods of the importunate widow in the Bible.

Suppose, however, that instead of passing stereotyped resolutions at occasional conferences, and conducting here and there a prosecution leading to a fine which has come to be regarded—so we are told—as a possible slight addition to the normal costs of a wedding, Indian women's societies were to organize gigantic demonstrations and processions, illustrating in picturesque ways the evils of child marriage. Suppose they were to conduct pilgrimages, by caravan and on foot, through the villages, preaching their gospel through speech and song and drama and cinema film. Suppose some Indian Amy Johnson were to volunteer to reach the less accessible regions by flying over them, scattering showers of leaflets on the villages, and writing some slogan on the sky. Such appeals would not fail, because they would be reinforced by law, self-interest, pity, family affection. The men and women of the villages, as all who know them repeatedly assure us, may be illiterate, but they are not stupid nor ill-disposed; shrewd rather and kindly, fond of their homes and

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children, and not bad judges of sincerity of purpose in others. If they have succumbed to the influence of priests and money-lenders, it is because their rulers and their more enlightened fellow countrymen have (in the words of Sir Malcolm Hailey—see p. 122) never deliberately attempted to effect the changes in their psychology and in their social and personal habits, without which their conditions cannot be materially improved.

Turning from the governed to the governors, suppose again women were to organize petitions and deputations to every sort of elected body and to those whose duty it is to administer the law, asking from each the service it is in their power to render, the strengthening of the law, the use of educational machinery to explain its provisions, the prohibition by injunction of illegal marriages and the prosecution of offenders against the law governing age of consent. Suppose that, if authority failed them, they were even to resort to the familiar method of peaceful picketing, of those known to have planned a child marriage, refraining from any kind of physical obstruction, but entreating the offender to abandon his intention. Suppose it were a rule in women's societies that any member who attended such a marriage would lose her membership. Suppose the members pledged themselves never to employ a servant or buy from a trader or have any kind of social intercourse with those who had broken the law. Suppose at election times every candidate were asked to put the strengthening of the Sarda Act into his election address. Suppose it became impossible for any politician

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to speak on any subject anywhere in India without hearing the women's cry, "What are you doing about child marriage?"

Campaigns of this sort may and usually must have small beginnings, but to be effective they must ultimately be organized on a great scale and require considerable funds. In helping in the raising of these we of the West might find means of paying part of our unpaid debt to the East. But money-raising efforts may themselves form part of an effective demonstration. Savonarola's Piagnoni induced people to burn their ornaments and rich apparel. The reformers of this materialistic age might sell theirs to raise funds, and make the doing of it a symbol of the spirit of women in mourning for their sisters.

In suggesting these sensational methods, I am speaking against the grain. When similar methods were first introduced into the women's movement at home, I disliked and despised them. But it became plain that they had brought into the movement thousands of men and women, and convinced millions more of its justice who would have remained deaf for ever to appeals addressed only to their reason, to arguments based on justice, logic, economic necessity, and social hardship. For one man capable of reasoned thought there are a score who can only perceive and feel. On these, sensational methods acted like advertisements blazing from every hoarding. But they were redeemed from the vulgarity of being merely that by the demonstrations they afforded of women's willingness to sacrifice leisure, wealth, health, even liberty and life, to secure justice.

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When their promoters passed beyond that into methods which inflicted injury on innocent people, instead of merely enduring it themselves, even though it was only empty churches and pictures and letters in letter-boxes which they destroyed, their campaign provoked reactions and ceased to be useful. I believe it to be provable, though many would deny it, that militancy in the later stages of our suffrage campaign when it took these forms was retarding progress and not helping it, and that if the Great War had not happened, giving men an excuse for yielding gracefully a claim which their minds had long conceded as just, success might have been deferred for a generation.

I may be told that in India the danger of sensational methods leading to excess is even greater; that such methods are risky; would give trouble to the authorities; might provoke reprisals or even riots. I recognize these possibilities. It would require sagacious leadership to keep such methods themselves within the law and to minimize the risks. But it can scarcely be illegal to use peaceful persuasion to induce people to keep the law and to organize disapproval of those who break it. Those who appealed to authority against such methods would find themselves in as embarrassing a position as the six-year-old bridegroom described in one of the Provincial Census Reports. His wedding procession having come to fisticuffs with another procession, he brought his tale of woe to the Court, "but when the ambiguity of his position under the Sarda Act was explained to him, he effected a graceful withdrawal."

As for risks, was ever a great reform effected without

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taking risks? And are there no risks, no certainties of disaster, rather, in the position as we find it? The spate of marriages before the Sarda Act came into operation showed that the people expected to have to obey it. Can it have improved their respect for law and lawgivers to have found how small a show of resistance was necessary to intimidate the Government and the social reformers into complete inaction, even to the extent of abstaining from all effort to educate public opinion in the provisions of the law and the necessity for it? The Government at the same period was showing itself firm enough, ruthless even, in the suppression of other kinds of law-breaking which menaced the safety of its servants, commercial interests, public peace. What conclusion can simple people, or rather those who for their own ends have worked upon their superstition, have drawn, but that this semi-alien Government and these tiresome Indian innovators were only showing off to impress Western opinion, and would never seriously challenge men's right to dispose of their girl children as they please, of husbands to use their girl-wives as they please, even if it means their death, provided that the doing of it is kept decently out of sight? The sufferings of these children, the appalling maternal death-rate to which child marriage is the chief contributing factor, the undermining of the vitality of the race—do these things not justify the taking of some risks? And if Governments shirk the task, then I say let the women shame them by taking it on to their own shoulders.

I may be told, again, by Indian women themselves,

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that the time for such a campaign is not yet ; that they have a more immediate task to do in helping their men to free India from alien rule. Here again I can only speak the truth as I see it, and trust that my Indian friends will forgive me if I say anything which gives them pain. Those are the truest friends of Indians who say to their faces what others only say behind their backs. I believe that a general uprising of Indian women against child marriage and its sister evils would do more to forward the cause of Indian self-government and to raise the repute of India in the eyes of the world than any other single thing that it is in the power of women to accomplish. To a far greater extent than most Indians seem to realize, Indian constitutional advance is regarded with misgiving even by those who think it inevitable because of their deep-rooted horror at the social evils that are tolerated in India, and because of the conclusions they draw from the seeming passivity and indifference even of many enlightened Indians concerning them. The greater part of this book has been devoted to showing what I believe to be the British share of responsibility—the responsibility of rulers who might have done more to stop these evils if they had cared and dared more. But well I know the retort that has been made to me a hundred times and will be made again, not only by the cavemen who follow Mr. Churchill, but by many who have given years of service to India as officials, doctors, nurses, missionaries, traders, and reckon scores of Indians among their friends. It will be something of this sort :—

"If we have done little, it is because Indian public

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opinion has not backed us up, and Indians will do less. The services of health and education have been transferred for over ten years, their personnel largely Indianized. In many respects and many places they have not improved but deteriorated since the transference. What have Indian administrators done to improve the social services? They will spend nothing they can avoid on health measures; least of all those affecting women. They will vote money for secondary and higher education, because they desire it for their own sons and (more grudgingly) for their daughters, as a help towards getting appointments for the boys and husbands for the girls. But primary education is starved, partly from reluctance to spend money on it, partly because educated Indian youths will not teach in the villages, and the women teachers cannot safely live alone there. They would be regarded as the natural prey of the members of the local bodies who appointed them. Jobbery and nepotism are allowed to decide appointments. The worst abuses are glossed over, except when they can be used as a stick to beat the British with. Indians are callous to suffering except when it affects themselves, or when the attention drawn to it hurts their self-esteem. Look at the Sarda Act: how they clamoured for it and have let it become a dead letter."

I know also the answers made to these charges—a limited responsibility, in which all but a minority are debarred either by their poverty or by their political opinions from taking part; the absorption of the best men and women in the political struggle; the poverty

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of the country, and the heavy drain on it of the alien administration and the military forces; the timid and over-cautious attitude of British officials, willing to be firm and bold only where British interests are concerned. Let history decide between the two views; but this at least is certain, that neither history nor the individual conscience will ever pronounce absolution for cruel sufferings inflicted on countless innocent people merely on the ground that the responsibility for inflicting or permitting them is shared by others.

Meantime, while British and Indians continue to bandy reproaches; meantime, while India is waiting for the only thing that ever ends great wrongs—the emergence of leaders great enough and near enough to the sufferers to grapple with and slay this monster—these things I have written about doubtless will go on. The marriages of millions of little girls will be celebrated amid festivities, in open defiance of the law, without the voice or hand of authority or of a single man or woman being raised to prevent it. Many of them will suffer nothing worse than the loss of youth and liberty. But many will suffer the conditions which together “make for early death . . . with the silence and depth of a strong tide at night.”<sup>1</sup> And these deaths in child-birth will go on, the slow, agonizing, unnatural deaths of women mostly in their twenties, their teens, some not yet in their teens, at the rate of 200,000 every year, or twenty every hour of every day and night.<sup>2</sup> And

<sup>1</sup> Mr. Justice Nanavutty, Judge of the Chief Court of Oudh at Lucknow, before the Age of Consent Committee. See p. 32.

<sup>2</sup> The estimate of the late Director of Medical Services in India, Sir John Megaw.

about all this less fuss, in the land where it takes place and among the people who flatter themselves that they have brought the blessings of Western civilization to India, than took place in England, as one Indian witness oddly remarked, over one unfairly treated girl typist.<sup>1</sup> Or if that seems an exaggeration, take this case. During the hurly-burly of the war an able, highly connected Englishwoman was unjustly dismissed, on inadequate evidence hastily accepted, from an important war-time post. An agitation for her rehabilitation was at once set up, and succeeded in securing an inquiry too indeterminate in its findings, too considerate of the officialdom responsible for her undoing, to satisfy her or her champions, who included leaders in the Church, editors of important newspapers, and politicians of all shades of opinion. Ever since, year in, year out, these have conducted a campaign to secure her complete amends. I would that the twelve million suffering child-wives of India had been half as successful in enlisting knight-errants of their own race or mine.

Why, one asks oneself, does their fate excite so extraordinarily small a share of interest and effort, official and unofficial? It is not because there is any doubt about the facts. Seldom can an indictment of any social evil have rested upon sturdier rocks of fact than the *Joshi Report* and the Census volumes from which I have here chipped a few specimens. It is not because the facts are not widely known. They are known, more or less, to every Indian and to most

<sup>1</sup> Mr. J. C. Marumdar, Deputy Magistrate, Darjeeling; *Evidence before the Joshi Committee*, Vol. VI, p. 336.

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British who have served in any civilian capacity in India—known in the same sense in which we know the air which so envelops us that we do not feel it. It is not because men are consciously indifferent or pusillanimous in the face of suffering and pain. If a ship foundered on its passage to India, there is scarcely a man—though many had left behind dependent wives and children—who would not obey that convention which, in sublime disregard of real values, commands them to see every puling baby and old maid with her life behind her into the boats before they seek safety themselves. There is scarcely a man who would let a wild beast tear a young girl to pieces before his eyes without lifting a finger to save her lest he got bitten. Yet that would be a quick and easy death compared to the fate which overtakes many of the victims of child marriage. "Often die undelivered after days of agony." "A girl of twelve and a half who suffered in labour for seven days." "I saw a girl of twelve so badly mutilated and her mental condition so badly affected that she was quite demented. . . . Incidentally the husband sued for restitution of conjugal rights and won his case, so I was told." "She was only twenty-one, but she had had seven children. I told her she was not trying to get better. She said: 'It is no use, because maternity comes on every year.' She died of inanition a few months later." "One hundred out of every thousand girls are doomed to die in child-birth before they cease to have children." "When they bring a woman to hospital, they sometimes bring a rope along with them, to tie the corpse to the bed when they

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carry it to burial. The men ask us to help, but remind themselves that this is the usual lot of women."

"The usual lot of women!" If I were a fundamentalist, I think I should believe it to have been part of the curse of Eve that nearly all men should be born blind and deaf and dumb where the sufferings of maltreated maternity were concerned. Otherwise how is it possible that in the face of all these facts there should be a "general concensus of opinion" among the representatives of authority in India, central and local, British and Indian, that they can do nothing, nothing at all, not even explain and defend the law they themselves have made? Do their minds never misgivethem? "At midnight, in the silence of the sleep-time, when they set their fancies free," are they never haunted by the spirits of these nameless dead women, more numerous than all the crosses on the Western Front, who might, some of them, have been still living in the sun if their governors, their trustees, had shown more faith, resource, energy, courage?

Two years ago I visited the Memorial Gardens at Cawnpore. This is one of the Englishman's sacred places in India. It commemorates the fate of the women and children who, during the Mutiny, survived General Wheeler's heroic defence, only to be first imprisoned and then butchered, by order of the Nana Sahib, in the Bibi-Garh, and have their bodies thrown into an adjoining well. On a mound raised over the well is their monument—a figure of the Angel of the Resurrection—and below it are the graves of other massacred victims. As I wandered in that garden,

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empty but for a few Indian guards, I felt as if I had seldom been in so crowded a place. Faintly down the years came the voices of those English women and children; but overwhelming and almost jostling them out of the place consecrated to their memory were the dusky shadows of other women and children, hosts and hosts of them, generation after generation, who had suffered imprisonment less rigorous but so much more prolonged, leading as surely to a dark and terrible death.

## APPENDIX

### NOTES ON SOCIAL CONDITIONS OTHER THAN CHILD MARRIAGE AFFECTING WOMEN IN INDIA

#### OFFICIAL EVIDENCE AS TO THE FAILURE OF THE GOVERN- MENTS IN INDIA TO COPE ENERGETICALLY WITH HEALTH PROBLEMS

THE Health Commissioner for India says (1930 Report) :—

"The health of the people is theoretically acknowledged by politicians, by financiers, and by leaders of the commercial world to be of first importance, but when these leaders of the nation come to deal with the cold facts of an everyday world, and especially with budgets which fail to balance, public health is quietly but firmly pushed to one side with a vague expression of hope that in the future something more may be possible. In few countries of the world have the public health budgets, even at their highest, amounted to more than a penny or two per head of the population; in India, the average expenditure in many areas cannot possibly be more than a tiny fraction of that humble coin. In these circumstances, what chance is there for the development of a suitable health organization or what opportunity can there be of utilizing, for the benefit

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of the people, the facts placed at our disposal by medical and health research?" (P. 2.)

"*The larger municipalities are as a rule content with meagre efforts for their women and children. . . .*" (P. 160.)

Major-General W. R. Edwards, Director-General of the Indian Medical Service, says:—

"I cannot understand why up to the present time Government has taken no steps towards teaching the people of India the elementary laws of health which are of such vital importance to them." (Quoted by Dr. Lankester in his *Tuberculosis in India*.)

The Governor of the Punjab (Sir M. Hailey), introducing Mr. Brayne's book on village uplift, says of the charge that the Government has neglected this problem:—

"The charge is to this extent true, that we have never made a direct and concentrated attack on this problem; we have never deliberately attempted to effect that change in the psychology of the peasant or in his social and personal habits without which it is impossible materially to improve his condition."

The Director of Public Health for the Punjab (Colonel Forster) said in evidence before the Linlithgow Commission:—

"Whilst every District Board will cheerfully incur bankruptcy on account of the schools, no District Board is willing to spend the smallest money of its

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income on Public Health projects which do not offer some personal advantages to personal members of the Board. . . . Although this district was afflicted with an epidemic of plague responsible for over 400 deaths weekly, and also with a coincident epidemic of small-pox, the total expenditure on Public Health for a rural population of 898,609 was under £1,300" (1·24 of total income of Board, p. 512). (P. 511.)

"Although the Province is always on the verge of an epidemic, financial provision . . . is always hopelessly inadequate. When an epidemic breaks out the District Board as a general rule does nothing, on the plea that it has practically no funds—which is true in the sense that it has made no provision." (P. 512.)

### *Little or No Progress in Maternity and Child Welfare*

The Report of the Health Commissioner for India 1930) says:—

"Advance in this branch of public health work is extremely slow, and it is only by looking back over a considerable number of years that we can appreciate progress at all. As stated in my last report, the atmosphere of political disturbance and economic depression is far from favourable to the development of work among women and children. On the other hand, the fact that, in India, women have begun to enter public life may be a hopeful augury for the future. Under the new constitution many women will be enfranchised and some may be nominated to the provincial and central legislative

*assemblies. Naturally their interests will focus on problems which specially concern them, and we may hope that this will be reflected in legislation affecting women and children."* (P. 151.)

"The problems attending maternity work, and in particular maternal mortality, show a depressing tendency to remain completely unsolved—one is tempted to say insoluble. That would, however, present an unjustifiably pessimistic picture of the situation. The figures for maternal mortality rates show no improvement, in fact in many cases they tend to increase. It must be remembered, however, that the increase, in urban areas at least, is largely due to improved registration and classification of deaths, and that therefore comparative figures are really no help in deciding whether improvement is taking place or not." (P. 152.)

"Unfortunately, hospitals and trained midwives are within the reach of comparatively few. The great majority of births take place in villages where hospitals do not exist and where trained midwives find it hard to settle and earn a living. It is the village conditions which create the real difficulty in reducing maternal mortality rates or in providing for skilled assistance for the time of child-birth. In the villages, the only help available, in the majority of cases, is that of the indigenous midwife whose sole means of learning has been her experience." (P. 152.)

"Little accurate information as to the incidence of tuberculosis in India is available, although the

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prevalence of the disease is believed by many medical men to have increased rapidly during the last 15-20 years. This is to some extent evident even from the rather scanty mortality figures recorded in a number of the provinces." (P. 74.)

"In Calcutta, for the year 1929, 2,834 deaths from tuberculosis were registered. Of these, 2,591, or 91 per cent, were pulmonary cases. A very high death-rate was recorded among young females between the ages of 15 and 30 years; in the age-group, 10-20 years, for every boy dying of tuberculosis five girls died, and in the age-group 20-30 years, the proportions were one male to three females. These tremendous differences are attributed, *inter alia*, to early marriage, but probably other factors play an equally important part." (P. 79.)

### *Effects of Purdah on Health*

Dr. Arthur Lankester says that :—

"In the whole of my tour through the cities of India no single fact was more constantly brought to my notice by ceaseless iteration than the direct dependence of consumption upon the system of purdah seclusion of women." (*Tuberculosis in India*, p. 140.)

To realize what purdah means, one must remember that its conditions vary greatly in different castes, communities, and classes. Among the very rich the zenana may be spacious and luxurious. Among the

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poor, purdah is less common, but where it is observed it may be so rigid that a woman may

"be confined in a small house, practically windowless, or with openings high up in the walls, and she may not leave the house even to fetch water for household purposes. However poor the household, she can take no share in the work, except for the cooking, which she can do indoors. It has been said that a Rajputani may not leave her house to fetch water though the house may be in a jungle and the well in front of it." (Dr. Rukhmabai, M.D., *Women in Modern India*.)

But the conditions where the practice tells most widely and hardly are, by general consent, those which occur in the middle classes of castes which observe purdah strictly, but cannot afford to provide spacious apartments, and where, for the sake of privacy, the rooms are at the back of the house and lighted only by small windows high up, covered by glass or lattice-work, often so fixed that they cannot be opened. The following is one of many typical indictments:—

"To secure privacy, efficient lighting and ventilation are absolutely disregarded, the zenana or women's apartments being usually the most insanitary part of the house. No wonder that tuberculosis, which thrives in damp, dark, airless corners, plays havoc in the zenanas." (Health Officer of Calcutta, Report for 1913.)

Dr. Kathleen Vaughan has made a special study of

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the effect of purdah in producing osteomalacia. She shows that this disease occurs almost entirely among women, usually in the child-bearing period of life, but it often starts before marriage, when in the East the girl goes into seclusion. It is due largely to absence of sunlight, yet is specially characteristic of certain parts of India. Its effect is to soften the bones, and often to produce such marked deformity that natural labour becomes impossible. Dr. Vaughan says of the bad cases :—

"These cases always arrived at the hospital in a state of extreme exhaustion, carried there on a bed by the nearest men relatives, after every attempt had been made for days at home by native midwives, quite untrained women, who had exhausted every device known to them to produce delivery. The women arrived exhausted and septic, begging that something should be done for them, they did not mind what. The women who accompanied the patient beat upon their breasts and wept; the men asked us for help, but reminded themselves that this was the usual lot of woman. Sometimes we saw that they brought a rope with them, and this was a bad sign, as they use a rope to bind a corpse to the bed when carrying it for burial." (*Purdah System in its Effect on Motherhood.*)

Dr. Margaret Balfour also lays stress on the gravity of this disease, and points out that in the rural districts, where hospitals and skilled attendance are unavailable,

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the young mother often "dies undelivered after days of agony." Dr. Balfour points out that a still more prevalent disease of pregnancy is anaemia, also associated with a secluded and inactive life in sunless quarters.

### *The Medical Services*

That bulky Blue Book, *The Moral and Material Progress of India* (1931 edition), records the difficulties experienced in keeping up the *cadre* of the Women's Medical Service to its maximum achieved number of 44, partly because of the difficulty of inducing the Provincial Governments to pay half the salaries of these women, as demanded by the Central Government. Yet this tiny body of 44 officially employed women doctors, bulked out by missions and by private practitioners into a total of about 600 fully qualified women doctors and some semi-trained sub-assistant surgeons, is the sole provision of female medical aid to meet the needs of a female population of 131 millions, of whom "very few [in the words of the same Blue Book] are willing to see a man doctor except at the last moment."

The Annual Report of the Countess of Dufferin's Fund, 1928, says:—

"If readers of this report will take the trouble to peruse the individual reports from the Hospitals officered by Women's Medical Service doctors, they cannot fail to be struck by the universal cry from all the doctors from Karachi to Calcutta and elsewhere for more money for the supply of the barest

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necessities for these Hospitals. The Secretary, in her inspection reports, has reiterated these appeals, pointing out the urgent necessity for repairs and additions to buildings and the inadequate supply of equipment, bedding, and nursing staff. *The fact has to be recognized that Women's Hospitals receive scant attention and still scantier support in almost all the Provinces in India.* They are not endowed and depend for their support on doles from local bodies and subscriptions from the public."

### *Widowhood*

The lot of the Hindu widow has been thus described by Indian speakers. In 1927, speaking in the Legislative Assembly, Kumar Gaganand Sinha said :—

"I shall not take the time of the House by narrating what Hindu widowhood means. There is no Hindu who does not know it from practical experience in his own household. It is a life of agony, pains and suffering and austerity. It is a life which has been inflicted not so much by Providence, not so much by the Shastras, as by social customs."

Dr. Muthulakshmi Reddi, speaking on child marriage before her colleagues of the Madras Provincial Council, said :—

"The saddest consequence of all is the presence of a large number of child-widows in our midst whose lot and status in a Hindu family is most deplorable. We are too painfully conscious that the child-widows,

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for no fault of their own, are subjected to such indignities and ill-treatment in a Hindu household that their life is rendered very miserable indeed."

While these unhappy facts are the result of social custom, they can be affected by Government action in three ways :—

- (i) The suppression of child marriage and consequently of child widowhood.
- (ii) Improvements in the law regarding inheritance. Mr. M. R. Jayaker stated before the 41st Indian National Social Conference, 1928, that legislation is "most urgently needed to-day in improving the position of the widow in a Hindu joint family. When the husband dies undivided we are all aware of her miserable lot. She cannot get the husband's share if she is without male issue.. The rules under which maintenance is decreed to her are unjust. They all lean in favour of her husband's co-parceners."
- (iii) Improved facilities for the training of widows for wage-earning occupations.

### *The Civil Rights of Indian Wives and Widows*

Even a brief summary is impossible here. But it may be noted :—

- (a) That whereas polygamy is permitted to (though increasingly uncommon among) both Hindu and Muslim men, and whereas either can easily get rid of an unwanted wife—the Hindu by setting her aside,

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the Muslim by divorcing her—there is for the women of the Hindu community no legal means of escape, whether by divorce or by separation, from a husband however cruel. The most that the courts can do is to refuse restitution of conjugal rights to the husband of a deserting wife, if they judge that to return to the husband's household would be physically unsafe for her.

(b) That the rights of inheritance enjoyed by Hindu women are exceedingly meagre (see above), and that although Muslim laws of inheritance are juster to women, Muslims commonly, at least in the Punjab, follow Hindu customary law in this respect. It seems significant of the extent to which this is so that in the predominantly Muslim Provinces of the Punjab and of Bengal, the proportion of women entitled to vote on a property qualification under the present electoral law is considerably smaller than in the Hindu Province of Madras.

#### *'Education of Girls'*

The 1931 Census Report shows that, though the actual number of literates has increased by 44<sup>4</sup> per cent since 1921, it has been counterbalanced by the growth of population, so that the proportion of literates to the population of India as a whole has increased by only 1 per cent. The number of literates per 1,000 over the age of five for all India is 156 males and 99 females. It is noted that "about two-thirds of the villages in India have no schools." No doubt

economy has retarded the advance, and this makes all the more startling the contrast between the expenditure on primary and secondary education respectively, as shown in the statement that "the average cost per pupil in all recognized institutions works out at just over Rs. 23 for 1930, but a separate analysis of the cost of primary and secondary pupils respectively gave Rs. 4-5-5 and Rs. 179-4-3 as the cost of each primary and each secondary male pupil for that year, and Rs. 10-3-6 and Rs. 467-3-5 respectively as the corresponding costs of each female pupil. The high cost of girl pupils is no doubt due in a great degree to their comparative paucity."<sup>1</sup> It is also disconcerting to find that, in spite of education being a transferred subject, the more advanced Indian States—Cochin, Travancore, Baroda, Coorg—have shot ahead of all British India except Burma in the proportion of their literates, and that the three great Presidencies come ninth, tenth, eleventh on the list. In the order of female literacy British India shows up no better.<sup>2</sup>

It seems as true as when the Simon Commission visited India that

"The public expenditure on girls' education is still small compared to that on boys' education; . . . the disparity between the amounts spent on the two is increasing, notwithstanding the fact that, owing to greater difficulties, girls' education must necessarily be more expensive than that of boys; and, as a

<sup>1</sup> *Census of India, 1931, Vol. I, Part I, p. 335.*

<sup>2</sup> *Ibid., p. 325.*

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consequence, there is a growing disparity between the number of educated men and educated women.

"The importance of the education of girls and women in India at the present moment cannot be overrated. It affects vitally the range and efficiency of all education. The education of the girl is the education of the mother, and through her of her children. The middle and high classes of India have long suffered from the dualism of an educated manhood and an ignorant womanhood—a dualism that lowers the whole level of the home and domestic life and has its reaction on personal and national character. . . .

"We are definitely of opinion that, in the interest of the advance of Indian education as a whole, priority should now be given to the claims of girls' education."<sup>1</sup>

And the bearing of all this on the child marriage question is pointed out by the Census Report as follows :—

"Besides the difficulty, still felt very strongly in most provinces, of getting good women teachers, one of the most serious obstacles to the spread of female education is the early age of marriage, which causes girls to be taken from school before they have reached even the standard of the primary school-leaving certificate. . . . We are found in a vicious

<sup>1</sup> *Interim Report of the Indian Statutory Commission (Hartog Report)*, pp. 150, 183.

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circle, since the early age of marriage prevents the growth of female literacy, while the absence of female literacy seems largely responsible for the absence of any general change in the early age of marriage."<sup>1</sup>

*Importance of Compulsory Registration of Births,  
Deaths, and Marriages*

"The treatment of sociological features of the population of India is much prejudiced by the absence of any general or compulsory registration of births, deaths, or marriages; an absence which would go far to nullify social legislation such as that implied in the Sarda Act itself, and to which attention was drawn by the Age of Consent Committee. The difficulties of introducing compulsory registration are no doubt great, but it is not easy to see how social legislation can be really effective without it."<sup>2</sup>

<sup>1</sup> *Census of India, 1931, Vol. I, Part I*, p. 328.

<sup>2</sup> *Ibid., Introduction*, p. xv.

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